

## LEGISLATIVE BILL 204

Approved by the Governor April 16, 2024

Introduced by Riepe, 12.

A BILL FOR AN ACT relating to the Medical Assistance Act; to amend section 68-901, Revised Statutes Supplement, 2023; to establish reimbursement for pharmacy dispensing fees for pharmacies participating in the medical assistance program; to harmonize provisions; to repeal the original section; and to declare an emergency.

Be it enacted by the people of the State of Nebraska,

Section 1. Section 68-901, Revised Statutes Supplement, 2023, is amended to read:

68-901 Sections 68-901 to 68-9,104 and section 2 of this act shall be known and may be cited as the Medical Assistance Act.

Sec. 2. (1)(a) Beginning with fiscal year 2024-25, contingent upon implementation of the contractual agreements with medicaid managed care organizations as described in subsection (2) of this section, the department shall establish a fee-for-service pharmacy dispensing fee reimbursement of ten dollars and thirty-eight cents per prescription for any independent pharmacy until a cost-of-dispensing survey is completed. The actual dispensing fee shall be determined by a cost-of-dispensing survey administered by the department and completed by all medical assistance program participating independent pharmacies every two years. The change in the dispensing fee shall become effective following federal approval of the medicaid state plan.

(b) For purposes of this section, independent pharmacy means any pharmacy as defined in section 71-425 that owns six or fewer pharmacies.

(2) The department shall amend all medicaid managed care organization contracts to authorize establishment of a managed care pharmacy dispensing fee reimbursement in accordance with the established fee-for-service pharmacy dispensing fee reimbursement per prescription for independent pharmacies pursuant to subsection (1) of this section.

(3) Any dispensing fee cost information submitted to the department as part of the cost-of-dispensing survey described in subsection (1) of this section that specifically identifies individual costs of a pharmacy or provider shall remain confidential.

(4) No later than December 15, 2024, the department shall electronically submit a report to the Clerk of the Legislature providing recommendations for adjusting pharmacy dispensing fees between completion of surveys to ensure fair and adequate reimbursement for independent pharmacies and all other pharmacies participating in the medical assistance program.

Sec. 3. Original section 68-901, Revised Statutes Supplement, 2023, is repealed.

Sec. 4. Since an emergency exists, this act takes effect when passed and approved according to law.