

LEGISLATURE OF NEBRASKA
ONE HUNDRED SEVENTH LEGISLATURE
SECOND SESSION

LEGISLATIVE BILL 943

Introduced by Bostar, 29.

Read first time January 10, 2022

Committee:

- 1 A BILL FOR AN ACT relating to insurance; to prohibit certain provisions
- 2 in a health plan in relation to clinician-administered drugs; and to
- 3 define a term.
- 4 Be it enacted by the people of the State of Nebraska,

1 Section 1. (1) Notwithstanding section 44-3,131, (a) any individual
2 or group sickness and accident insurance policy, certificate, or
3 subscriber contract delivered, issued for delivery, or renewed in this
4 state and any hospital, medical, or surgical expense-incurred policy,
5 except for policies that provide coverage for a specified disease or
6 other limited-benefit coverage, and (b) any self-funded employee benefit
7 plan to the extent not preempted by federal law, shall not:

8 (a) Refuse to authorize, approve, or pay a participating provider
9 for providing covered clinician-administered drugs and related services
10 to covered persons;

11 (b) Impose coverage or benefit limitations or require an enrollee to
12 pay an additional fee, higher copay, higher coinsurance, second copay,
13 second coinsurance, or other penalty when obtaining clinician-
14 administered drugs from a health care provider authorized under the laws
15 of this state to administer clinician-administered drugs or a pharmacy;

16 (c) Interfere with the right of a patient to choose to obtain a
17 clinician-administered drug from such patient's provider or pharmacy of
18 choice such as through inducement, steering, or offering financial or
19 other incentives;

20 (d) Require clinician-administered drugs to be dispensed by a
21 pharmacy selected by the insurer;

22 (e) Limit or exclude coverage for a clinician-administered drug when
23 such drug is not dispensed by a pharmacy selected by the health plan if
24 such drug would otherwise be covered;

25 (f) Reimburse at a lesser amount a clinician-administered drug
26 dispensed by a pharmacy not selected by the insurer;

27 (g) Condition, deny, restrict, refuse to authorize or approve, or
28 reduce payment to a participating provider for providing covered
29 clinician-administered drugs and related services to covered persons when
30 the participating provider obtains clinician-administered drugs from a
31 pharmacy that is not a participating provider in the insurer's network,

1 if all criteria for medical necessity are met;

2 (h) Require an enrollee to pay an additional fee, higher copay,
3 higher coinsurance, second copay, second coinsurance, or any other form
4 of price increase for clinician-administered drugs when not dispensed by
5 a pharmacy selected by the insurer; or

6 (i) Require a specialty pharmacy to dispense a clinician-
7 administered medication directly to a patient with the intention that the
8 patient will transport the medication to a health care provider for
9 administration.

10 (2) Notwithstanding section 44-3,131, (a) any individual or group
11 sickness and accident insurance policy, certificate, or subscriber
12 contract delivered, issued for delivery, or renewed in this state and any
13 hospital, medical, or surgical expense-incurred policy, except for
14 policies that provide coverage for a specified disease or other limited-
15 benefit coverage, and (b) any self-funded employee benefit plan to the
16 extent not preempted by federal law, may offer, but shall not require:

17 (i) The use of a home infusion pharmacy to dispense clinician-
18 administered drugs to patients in their homes; or

19 (ii) The use of an infusion site external to a patient's provider
20 office or clinic.

21 (3) For purposes of this section, clinician-administered drug means
22 an outpatient prescription drug other than a vaccine that:

23 (a) Cannot reasonably be self-administered to a patient by such
24 patient or by an individual assisting the patient with the self-
25 administration; and

26 (b) Is typically administered:

27 (i) By a health care provider authorized under the laws of this
28 state to administer the drug, including when acting under a physician's
29 delegation and supervision; and

30 (ii) In a physician's office, hospital outpatient infusion center,
31 or other clinical setting.