

STATE PLAN UNDER TITLE XIX OF THE SOCIAL SECURITY ACT

State: Nebraska

LIMITATIONS – PRESCRIBED DRUGS

Supplemental Rebate Program:

The state is in compliance with Section 1927 of the Social Security Act. Based on the requirements of Section 1927 of the act, the state has the following policies for the supplemental rebate program for Medicaid recipients:

- a) All covered drugs of federal participating manufacturers remain available to the Medicaid program but may require prior authorization.
- b) CMS has authorized the State of Nebraska to enter into the TOP\$SM, *The Optimal PDL Solution* ("TOP\$SM") multi state pooling agreement to collect supplemental rebates through the TOP\$SM program. The Supplemental Drug Rebate Agreement was submitted to CMS on May 1, 2009 and has been authorized by CMS, effective October 1, 2009.
- c) Any contracts not authorized by CMS will be submitted to CMS for authorization.
- d) Any changes to the contracts for the TOP\$SM program will be submitted to CMS for approval.
- e) All drugs covered by this program irrespective of a supplemental agreement, will comply with the provisions of the National Drug Rebate Agreement.
- f) The State will negotiate supplemental rebates in addition to federal rebates provided for in Title XIX.
- g) Supplemental rebates received by Nebraska in excess of those required under the National Drug Rebate Agreement will be shared with the federal government on the same percentage basis as applied under the National Drug Rebate Agreement.
- h) The unit rebate amount is confidential and cannot be disclosed for purposes other than rebate invoicing and verification, in accordance with Section 1927(b)(3)(D).
- i) Rebates paid under the CMS-authorized TOP\$SM for the Nebraska Medicaid population do not affect AMP or best price under the Medicaid program.
- j) The CMS-authorized TOP\$SM Agreement for the Nebraska Medicaid population only covers supplemental rebates for Medicaid programs. It does not cover non-Medicaid programs.

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Supersedes

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