

**ONE HUNDRED FIRST LEGISLATURE - FIRST SESSION - 2009**  
**COMMITTEE STATEMENT**  
**LB604**

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**Hearing Date:** Friday February 27, 2009  
**Committee On:** Health and Human Services  
**Introducer:** Howard  
**One Liner:** Change the Pharmacy Practice Act to change provisions relating to medical gas distribution

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**Roll Call Vote - Final Committee Action:**  
Advanced to General File

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**Vote Results:**

**Aye:** 7                      Senators Campbell, Gay, Gloor, Howard, Pankonin, Stuthman, Wallman  
**Nay:**  
**Absent:**  
**Present Not Voting:**

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**Proponents:**

Senator Howard  
Christine Bartlett  
Joni Cover  
James Fitzgerald  
Patricia Zieg

**Representing:**

Introducer  
Apria Healthcare  
Nebraska Pharmacists Association  
American Home Patient  
Apria Healthcare

**Opponents:**

**Representing:**

**Neutral:**

**Representing:**

**Summary of purpose and/or changes:**

LB 609 exempts from the pharmacy licensure and delegated dispensing requirement certain medical oxygen suppliers that supply medical oxygen to patients pursuant to a medical order. The exempted medical oxygen suppliers would only be those accredited by an accrediting body recognized by the federal Centers for Medicare and Medicaid Services (CMS) for mandatory accrediting under the Medicare Part B Home Medical Equipment Services Benefit.

The bill amends the Pharmacy Practice Act (section 38-2801 to 38-28,103). Medical gas is defined as "oxygen in liquid or gaseous form intended for human consumption." Medical gas device is defined as "a medical device associated with the administration of medical gas." Accrediting body is defined as "an entity recognized by the Centers for Medicare and Medicaid Services to provide accrediting services for the Medicare Part B Home Medical Equipment Services Benefit." Compliance with federal labeling requirements for medical gases and medical gas devices constitutes compliance with labeling requirements under section 38-2826.

The bill exempts from the practice of pharmacy "a pharmacy or a person accredited by an accrediting body who or which, pursuant to a medical order, (a) administers, dispenses, or distributes medical gas or medical gas devices to patients or ultimate users or (b) purchases or receives medical gas or medical gas devices for administration, dispensing, or distribution to patients or ultimate users."

The bill strikes the reference to medical gas distributors in provisions relating to delegated dispensing permits in the Pharmacy Practice Act (act).

The bill outright repeals the definition of medical gas distributor in the act (section 38-2827 ) and contains an emergency clause.

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Tim Gay, Chairperson