

AMENDMENTS TO LB471

(Amendments to Standing Committee amendments, AM1809)

Introduced by Kuehn, 38.

1           1. Strike original amendment 1 and insert the following new  
2 amendment:

3           1. Strike the original sections and insert the following new  
4 sections:

5           Section 1. Section 71-2454, Revised Statutes Cumulative Supplement,  
6 2014, is amended to read:

7           71-2454 ~~(1) An~~ ~~It is the intent of the Legislature that an~~ entity  
8 described in section 71-2455 shall establish a system of prescription  
9 drug monitoring for the purposes of ~~(a 1)~~ preventing the misuse of  
10 controlled substances that are prescribed ~~in an efficient and cost-~~  
11 ~~effective manner~~ and ~~(b 2)~~ allowing prescribers and dispensers ~~doctors~~  
12 ~~and pharmacists~~ to monitor the care and treatment of patients for whom  
13 such a prescription drug is prescribed to ensure that such prescription  
14 drugs are used for medically appropriate purposes and that the State of  
15 Nebraska remains on the cutting edge of medical information technology.

16           (2) Such system of prescription drug monitoring shall be implemented  
17 beginning January 1, 2017, and shall include, but not be limited to,  
18 provisions that:

19           (a) Prohibit any patient from opting out of the prescription drug  
20 monitoring system;

21           (b) Require all prescriptions dispensed in this state or to an  
22 address in this state to be entered into the system by the dispenser or  
23 his or her designee daily after such prescription is dispensed, including  
24 those for patients paying cash for such prescription drug or otherwise  
25 not relying on a third-party payor for payment for the prescription drug;

26           (c) Allow all prescribers or dispensers of prescription drugs to

1 access the system at no cost to such prescriber or dispenser; and

2 (d) Ensure that such system includes information relating to all  
3 payors, including, but not limited to, the medical assistance program  
4 established pursuant to the Medical Assistance Act.

5 Dispensers may begin on the effective date of this act to report  
6 dispensing of prescriptions to the entity described in section 71-2455  
7 which is responsible for establishing the system of prescription drug  
8 monitoring.

9 (3) Prescription information that shall be submitted electronically  
10 to the prescription drug monitoring system shall include:

11 (a) The patient's name, address, and date of birth;

12 (b) The name and address of the pharmacy dispensing the  
13 prescription;

14 (c) The date the prescription is written;

15 (d) The date the prescription is filled;

16 (e) The name of the drug prescribed;

17 (f) The strength of the drug prescribed;

18 (g) The quantity of the drug prescribed and the number of days'  
19 supply; and

20 (h) The prescriber's name, address, and National Provider Identifier  
21 number.

22 (4) Beginning January 1, 2018, a veterinarian licensed under the  
23 Veterinary Medicine and Surgery Practice Act shall be required to report  
24 a dispensed prescription of controlled substances listed on Schedule II,  
25 Schedule III, or Schedule IV pursuant to section 28-405.

26 (5) For purposes of this section:

27 (a) Designee means any licensed or registered health care  
28 professional designated by a dispenser to act as an agent of the  
29 dispenser for purposes of submitting or accessing data in the  
30 prescription drug monitoring system and who is directly supervised by  
31 such dispenser;

1           (b) Dispenser means a person authorized in the jurisdiction in which  
2 he or she is practicing to deliver a prescription to the ultimate user by  
3 or pursuant to the lawful order of a prescriber but does not include (i)  
4 a licensed hospital pharmacy that distributes such prescription for the  
5 purposes of inpatient hospital care or emergency department care for the  
6 immediate use of a prescription, (ii) an authorized person who  
7 administers a prescription upon the lawful order of a prescriber, or  
8 (iii) a wholesale distributor of a prescription drug monitored by the  
9 prescription drug monitoring system, and (iv) through December 31, 2017,  
10 a veterinarian licensed under the Veterinary Medicine and Surgery  
11 Practice Act when dispensing prescriptions for animals in the usual  
12 course of providing professional services; and

13           (c) Prescriber means a health care professional authorized to  
14 prescribe in the profession which he or she practices.

15           Sec. 2. (1) The Veterinary Prescription Monitoring Program Task  
16 Force is created. The task force shall conduct a study to develop  
17 recommendations of which controlled substances shall be reported by a  
18 veterinarian to the prescription monitoring program created under section  
19 71-2454 when dispensing drugs from a veterinarian's office or an animal  
20 shelter. The study shall include appropriate methods and procedures of  
21 reporting by the veterinarians with the necessary database field  
22 information. The task force shall utilize nationally available resources  
23 afforded by the American Association of Veterinary State Boards and the  
24 Department of State Legislative and Regulatory Affairs of the American  
25 Veterinary Medical Association in development of the recommendations.

26           (2) The task force shall consist of at least ten members appointed  
27 by the chairperson of the Health and Human Services Committee of the  
28 Legislature as follows: One member of the Health and Human Services  
29 Committee; two at-large members of the Legislature; three members  
30 selected from a list of six veterinarians provided by the Board of  
31 Veterinary Medicine and Surgery, one of whom is employed by or provides

1 services at an animal shelter; one pharmacist nominated by the Nebraska  
2 Pharmacists Association or its successor organization; and two members  
3 nominated by the Nebraska Veterinary Medical Association or its successor  
4 organization. The task force shall also include a representative of the  
5 prescription drug monitoring program who shall be a nonvoting member and  
6 serve in an advisory capacity only.

7 (3) The members of the task force shall be appointed within one  
8 hundred twenty days after the effective date of this act. The initial  
9 meeting of the task force shall be convened within one hundred eighty  
10 days after the effective date of this act. The task force shall elect a  
11 chairperson and may elect any additional officers from among its members.  
12 All task force members shall serve without compensation.

13 (4) The task force shall report its findings and recommendations to  
14 the Health and Human Services Committee of the Legislature on or before  
15 December 1, 2016.

16 (5) For purposes of this section, animal shelter has the definition  
17 found in section 54-626.

18 Sec. 3. Original section 71-2454, Revised Statutes Cumulative  
19 Supplement, 2014, is repealed.

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