

LEGISLATURE OF NEBRASKA
NINETY-NINTH LEGISLATURE
FIRST SESSION

LEGISLATIVE BILL 175

Introduced by Jensen, 20

Read first time January 7, 2005

Committee: Health and Human Services

A BILL

1 FOR AN ACT relating to physician assistants; to amend sections
2 71-1,107.30 and 71-2418 to 71-2420, Reissue Revised
3 Statutes of Nebraska; to change provisions relating to
4 prescribing authority and disciplinary actions; and to
5 repeal the original sections.
6 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 71-1,107.30, Reissue Revised Statutes
2 of Nebraska, is amended to read:

3 71-1,107.30. A physician assistant may prescribe drugs
4 and devices as delegated to do so by a supervising physician. A
5 ~~supervising physician may delegate to a physician assistant the~~
6 ~~authority to prescribe all drugs and devices, except that Schedule~~
7 ~~II controlled substances may only be prescribed for a~~
8 ~~seventy-two hour period for the relief of pain and such~~
9 ~~prescription shall not be renewable by the physician assistant.~~
10 Any limitation placed by the supervising physician on the
11 prescribing authority of the physician assistant shall be recorded
12 on the physician assistant's scope of practice agreement
13 established pursuant to rules and regulations adopted and
14 promulgated under section 71-1,107.24. All prescriptions and
15 prescription container labels shall bear the name of the
16 supervising physician and the physician assistant. A physician
17 assistant to whom has been delegated the authority to prescribe
18 controlled substances shall obtain a federal Drug Enforcement
19 Administration registration number. When prescribing Schedule II
20 controlled substances, the prescription container label shall bear
21 all information required by the federal Controlled Substances Act
22 of 1970.

23 Sec. 2. Section 71-2418, Reissue Revised Statutes of
24 Nebraska, is amended to read:

25 71-2418. (1) The Legislature finds that many controlled
26 substances have useful and legitimate medical and scientific
27 purposes and are necessary to maintain the health and general
28 welfare of the people of Nebraska. Principles of quality medical

1 practice dictate that the people of Nebraska have access to
2 appropriate and effective pain relief.

3 (2) The Legislature finds that the appropriate
4 application of up-to-date knowledge and treatment modalities can
5 serve to improve the quality of life for those patients who suffer
6 from pain. The Legislature therefor encourages physicians and
7 physician assistants to view effective pain management as a part of
8 quality medical practice for all patients with pain, acute or
9 chronic, including those patients who experience pain as a result
10 of terminal illness.

11 (3) The Legislature finds that a physician or physician
12 assistant should be able to prescribe, dispense, or administer a
13 controlled substance in excess of the recommended dosage for the
14 treatment of pain so long as such dosage is not administered for
15 the purpose of causing, or the purpose of assisting in causing,
16 death for any reason and so long as it conforms to policies and
17 guidelines for the treatment of pain adopted by the Board of
18 Examiners in Medicine and Surgery.

19 (4) The Legislature finds that a health care facility,
20 hospice, or third-party payor should not forbid or restrict the use
21 of controlled substances appropriately administered for the
22 treatment of pain.

23 Sec. 3. Section 71-2419, Reissue Revised Statutes of
24 Nebraska, is amended to read:

25 71-2419. A physician or physician assistant licensed
26 under the Uniform Licensing Law who prescribes, dispenses, or
27 administers or a nurse licensed under the Nurse Practice Act or
28 pharmacist licensed under the Uniform Licensing Law who administers

1 or dispenses a controlled substance in excess of the recommended
2 dosage for the treatment of pain shall not be subject to discipline
3 under sections 71-147 to 71-161.20 or 71-1,142 to 71-1,151 or under
4 the Nurse Practice Act or criminal prosecution under the Uniform
5 Controlled Substances Act when: (1) In the judgment of the
6 physician or physician assistant, appropriate pain management
7 warrants such dosage; (2) the controlled substance is not
8 administered for the purpose of causing, or the purpose of
9 assisting in causing, death for any reason; and (3) the
10 administration of the controlled substance conforms to policies and
11 guidelines for the treatment of pain adopted by the Board of
12 Examiners in Medicine and Surgery.

13 Sec. 4. Section 71-2420, Reissue Revised Statutes of
14 Nebraska, is amended to read:

15 71-2420. The Board of Examiners in Medicine and Surgery
16 shall adopt policies and guidelines for the treatment of pain to
17 ensure that physicians and physician assistants who are engaged in
18 the appropriate treatment of pain are not subject to disciplinary
19 action, and the board shall consider policies and guidelines
20 developed by national organizations with expertise in pain
21 management for this purpose.

22 Sec. 5. Original sections 71-1,107.30 and 71-2418 to
23 71-2420, Reissue Revised Statutes of Nebraska, are repealed.