

LEGISLATURE OF NEBRASKA

ONE HUNDRED FIRST LEGISLATURE

SECOND SESSION

LEGISLATIVE BILL 992

Introduced by McGill, 26.

Read first time January 20, 2010

Committee: Health and Human Services

A BILL

1 FOR AN ACT relating to public health; to amend section 71-503.01,
2 Reissue Revised Statutes of Nebraska; to provide for
3 treatment relating to sexually transmitted disease as
4 prescribed; to provide for confidentiality and exemptions
5 as prescribed; to harmonize provisions; and to repeal the
6 original section.
7 Be it enacted by the people of the State of Nebraska,

1 Section 1. A physician, physician assistant, or advanced
2 practice registered nurse who diagnoses a sexually transmitted
3 disease described in section 71-502.01 in an individual patient
4 may prescribe, dispense, furnish, or otherwise provide prescription
5 oral antibiotic drugs to that patient's sexual partner or partners
6 without examination of that patient's partner or partners. If
7 the infected patient is unwilling or unable to deliver such
8 prescription drugs to his or her sexual partner or partners, such
9 physician, physician assistant, or advanced practice registered
10 nurse may dispense, furnish, or otherwise provide the prescription
11 drugs for delivery to such partner, if such practitioner has
12 sufficient locating information, to the disease prevention and
13 control staff of the Department of Health and Human Services or
14 of a county or city board of health, local health department
15 established pursuant to sections 71-1626 to 71-1636, city health
16 department, or local health agency or any state or local public
17 official exercising the duties and responsibilities of any board of
18 health or health department.

19 Sec. 2. Section 71-503.01, Reissue Revised Statutes of
20 Nebraska, is amended to read:

21 71-503.01 (1) Whenever any statute of the state, any
22 ordinance or resolution of a municipal corporation or political
23 subdivision enacted pursuant to statute, or any rule or regulation
24 of an administrative agency adopted and promulgated pursuant to
25 statute requires medical practitioners or other persons to report

1 cases of communicable diseases, including sexually transmitted
2 diseases and other reportable diseases, illnesses, or poisonings
3 or to give notification of positive laboratory findings or provide
4 prescription drugs pursuant to section 1 of this act to the
5 Department of Health and Human Services or any county or city
6 board of health, local health department established pursuant to
7 sections 71-1626 to 71-1636, city health department, local health
8 agency, or state or local public official exercising the duties
9 and responsibilities of any board of health or health department,
10 such reports or notifications and the resulting investigations and
11 such provision of prescription drugs shall be confidential except
12 as provided in this section, shall not be subject to subpoena,
13 and shall be privileged and inadmissible in evidence in any legal
14 proceeding of any kind or character and shall not be disclosed to
15 any other department or agency of the State of Nebraska.

16 (2) In order to further the protection of public health,
17 such reports, and notifications, and provision of prescription
18 drugs may be disclosed by the Department of Health and Human
19 Services, the official local health department, and the person
20 making such reports or notifications to the Centers for Disease
21 Control and Prevention of the Public Health Service of the United
22 States Department of Health and Human Services or its successor
23 in such a manner as to ensure that the identity of any individual
24 cannot be ascertained except as required for delivery of such
25 prescription drugs pursuant to section 1 of this act. To further

1 protect the public health, the Department of Health and Human
2 Services, the official local health department, and the person
3 making the report or notification may disclose to the official
4 state and local health departments of other states, territories,
5 and the District of Columbia such reports and notifications,
6 including sufficient identification and information so as to ensure
7 that such investigations as deemed necessary are made.

8 (3) The appropriate board, health department, agency, or
9 official may: (1) Publish analyses of ~~such reports and information~~
10 notifications described in subsection (1) of this section for
11 scientific and public health purposes in such a manner as to
12 ensure that the identity of any individual concerned cannot be
13 ascertained; (2) discuss the report or notification with the
14 attending physician; and (3) make such investigation as deemed
15 necessary.

16 (4) Any medical practitioner, any official health
17 department, the Department of Health and Human Services, or any
18 other person making such reports or notifications or providing
19 such prescription drugs pursuant to section 1 of this act shall
20 be immune from suit for slander or libel or breach of privileged
21 communication based on any statements contained in such reports and
22 notifications or pursuant to provision of such prescription drugs.

23 Sec. 3. Original section 71-503.01, Reissue Revised
24 Statutes of Nebraska, is repealed.