

AMENDMENTS TO LB1072

Introduced by Health and Human Services

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

3           Section 1. Section 71-2454, Revised Statutes Cumulative  
4 Supplement, 2012, is amended to read:

5           71-2454 It is the intent of the Legislature that  
6 an entity described in section 71-2455 establish a system of  
7 prescription drug monitoring for the purposes of (1) preventing  
8 the misuse of ~~prescription drugs~~ controlled substances that are  
9 prescribed in an efficient and cost-effective manner and (2)  
10 allowing doctors and pharmacists to monitor the care and treatment  
11 of patients for whom such a prescription drug is prescribed  
12 to ensure that such prescription drugs are used for medically  
13 appropriate purposes and that the State of Nebraska remains on the  
14 cutting edge of medical information technology.

15           Sec. 2. Section 71-2455, Revised Statutes Cumulative  
16 Supplement, 2012, is amended to read:

17           71-2455 The Department of Health and Human Services, in  
18 collaboration with the Nebraska Health Information Initiative or  
19 any successor public-private statewide health information exchange  
20 that facilitates the secure exchange of clinical information  
21 among physicians and other health care providers in real time  
22 at the point of care, shall enhance or establish technology for  
23 prescription drug monitoring to carry out the purposes of section

1 71-2454. ~~No state funding shall be used to implement or operate the~~  
2 ~~prescription drug monitoring system provided for in this section.~~  
3 The department may use state funds and accept grants, gifts, or  
4 other funds in order to implement and operate the technology.  
5 The department may adopt and promulgate rules and regulations to  
6 authorize use of electronic health information, if necessary to  
7 carry out the purposes of sections 71-2454 and 71-2455.

8           Sec. 3. The Prescription Drug Monitoring Program Fund  
9 is created. The Department of Health and Human Services shall  
10 administer the fund which shall include any state funds, grants, or  
11 gifts received by the department for the purposes of carrying out  
12 the purposes of sections 71-2454 and 71-2455. Any money in the fund  
13 available for investment shall be invested by the state investment  
14 officer pursuant to the Nebraska Capital Expansion Act and the  
15 Nebraska State Funds Investment Act.

16           Sec. 4. (1) The Prescription Drug Monitoring Program Task  
17 Force is created. The task force members shall include:

18           (a) The chief medical officer of the Department of Health  
19 and Human Services;

20           (b) A representative of a statewide organization that  
21 represents physicians;

22           (c) A physician who works in the field of pain  
23 management;

24           (d) A representative of a statewide organization that  
25 represents pharmacists and pharmaceutical representatives;

26           (e) A representative from a statewide health information  
27 exchange program;

1           (f) A representative of a company that provides health  
2 insurance plans in Nebraska;

3           (g) A representative of a pharmacy benefit manager in  
4 Nebraska; and

5           (h) A representative of a statewide association that  
6 represents hospitals and health systems.

7           (2) The members of the task force designated in  
8 subdivisions (1)(b) through (h) of this section shall be appointed  
9 by the Governor on or before July 1, 2014. The Governor shall  
10 appoint the chairperson of the task force from among the members of  
11 the task force. Members shall be reimbursed for their actual and  
12 necessary expenses incurred while serving as a member of the task  
13 force as provided in sections 81-1174 to 81-1177.

14           (3) The task force may gather information from interested  
15 parties through public hearings and other appropriate means to  
16 assure ample opportunities for outside input to be received for  
17 consideration. The Division of Public Health of the Department  
18 of Health and Human Services shall provide administrative support  
19 to the task force and shall be responsible for production and  
20 distribution of the final report. The task force shall complete  
21 its work and issue a final report outlining its findings and  
22 recommendations to the Governor and the Legislature no later than  
23 December 1, 2014.

24           (4) The task force shall study the following topics and  
25 make recommendations for policies and potential legislation to the  
26 Governor and the Legislature:

27           (a) The effectiveness and history of prescription drug

1 monitoring programs in other states;

2 (b) The effectiveness and history of the Nebraska Health  
3 Information Exchange as a prescription drug monitoring program;

4 (c) Options available to Nebraska for establishing and  
5 monitoring a new prescription drug monitoring program or enhancing  
6 any existing prescription drug monitoring program;

7 (d) The costs involved in establishing and maintaining an  
8 effective and widely used prescription drug monitoring program;

9 (e) Options for funding any costs involved in  
10 establishing and maintaining an effective and widely used  
11 prescription drug monitoring program; and

12 (f) Legislation that would be required to establish an  
13 effective and widely used prescription drug monitoring program in  
14 Nebraska.

15 (5) It is the intent of the Legislature that any  
16 money appropriated by the Legislature for this study shall be  
17 appropriated to the Division of Public Health of the Department of  
18 Health and Human Services.

19 Sec. 5. Original sections 71-2454 and 71-2455, Revised  
20 Statutes Cumulative Supplement, 2012, are repealed.