

ONE HUNDRED SIXTH LEGISLATURE - SECOND SESSION - 2020
COMMITTEE STATEMENT
LB1002

Hearing Date: Thursday February 13, 2020
Committee On: Health and Human Services
Introducer: Bostelman
One Liner: Change provisions relating to wholesale drug distribution for emergency medical reasons

Roll Call Vote - Final Committee Action:
Advanced to General File with amendment(s)

Vote Results:

Aye: 7 Senators Arch, Cavanaugh, Hansen, B., Howard, Murman, Walz, Williams
Nay:
Absent:
Present Not Voting:

Oral Testimony:

Proponents:

Senator Bruce Bostelman
Joel Sacks
Rhonda Meyer

Andrew Snodgrass
Dave Huey
Lynn Rex
Joni Cover

Representing:

Introducer
Ponca Hills Fire Department
Nebraska State Volunteer Firefighters Association-EMS; and Blair Volunteer Fire & Rescue
City of Nebraska City
Nebraska Emergency Medical Services
League of Nebraska Municipalities
Nebraska Pharmacists Association

Opponents:

Representing:

Neutral:

Dr. Gary Anthone

Representing:

Department of Health and Human Services

Summary of purpose and/or changes:

LB 1002 would amend the Wholesale Drug Distributor Licensing Act (Neb. Rev. Stat. Sections 71-7436 and 71-7444). It would add language to allow emergency transfers of medication between emergency medical services. (Green Copy, Section 1, p. 2). It would also change what "wholesale drug distribution" does not include. It would not include the sale, purchase, or trade of a prescription drug for an emergency medical services to use for the provision of emergency medical care, not to exceed five percent of sales. (Green Copy, Section 2, pp. 2-3).

Explanation of amendments:

AM 2774 includes the amended provisions of LB 1002, and incorporates the amended provisions of LB 893, LB 1184, and the original provisions of LB 1044.

The amended provisions of LB 1002 may be found in Sections 47 and 48 of AM 2774, pages 41-42.

AM 2774 amends LB 1002 to add that "emergency medical reasons" does not include the regular and systemic sales of prescription drugs to emergency medical services. (AM 2774, Section 47, p. 41).

It also removes the proposed provision that "wholesale drug distribution does not include the sale, purchase, or trade of a prescription drug for an emergency medical services to use for the provision of emergency medical care, not to exceed five percent of sales." Instead, AM 2774 would add that "wholesale drug distribution" does not include the restocking of prescription drugs by a hospital for an emergency medical service if the drug was used in treating a patient prior to or during transportation to the hospital. However, "wholesale drug distribution" would include restocking of prescription drugs if the drugs were not used to treat a patient prior to or during transportation to the hospital. (AM 2774, Section 48, pp. 41-43).

LB 893

The amended provisions of LB 893 may be found in Sections 1 through 40, 42, 45, 46, and 49 through 57 of AM 2774, pages 1-41, and 43-47.

LB893 would amend various statutes to remove "out of hospital" when referring to emergency medical care services or providers, and further update provisions. LB893 would amend statutes in the following areas of law:

- Political subdivision liability (Neb. Rev. Stat. Section 13-1801);
- The establishment of emergency medical services by a county or municipality (Neb. Rev. Stat. Section 13-303);
- Death during apprehension (Neb. Rev. Stat. Section 23-1821);
- The Nebraska Criminal Code (Neb. Rev. Stat. Sections 28-907; 28-929; 28-929.01; 28-930 through 28-931.01; and 28-934);
- The Emergency Medical Services Practice Act (Neb. Rev. Stat. Sections 38-1201 through 38-1204.01; 38-1206.01; 38-1207.01 through 38-1213; 38-1215 through 1218; 38-1220; 38-1224 through 1226; 38-1228; 38-1232 through 38-1234; and 38-1237);
- The Nebraska Workers' Compensation Act (Neb. Rev. Stat. Section 48-115);
- Terms related to infectious diseases (Neb. Rev. Stat. Sections 71-507; 71-509); and
- The Statewide Trauma System Act (Neb. Rev. Stat. Sections 71-8226; 71-8227; 71-8236; 71-8237; 71-8240; 71-8248; 71-8249; 71-8251; and 71-8253).

It would also amend the Nebraska Criminal Code to include a critical care paramedic and a community paramedic as emergency care providers. (AM 2774, Section 6, p. 5).

A community paramedic practice of emergency medical care would be defined as care from an advanced emergency medical technician (EMT), an EMT, an EMT-intermediate, or paramedic. Community paramedic care would include, but is not limited to, the provision of telephone triage, advice, or assistance to non-urgent 911 calls; providing assistance or education to patients with chronic disease management; and all acts that the respective licensure classification of an emergency care provider is authorized to perform. (AM 2774, Section 16, pp. 11-12).

Critical care paramedic practice would be defined as care provided by a paramedic with the knowledge and skill acquired through completion of a program, including, but not limited to: all acts a paramedic is licensed to perform; advanced clinical patient assessment; intravenous infusions; and complex interventions, treatments, and pharmacological interventions used to treat patients within the critical care environment, including in transport. (AM 2774, Section 17, p. 12).

It would also amend the Emergency Medical Services Practice Act to include an education program for community paramedicine or a critical care paramedic as practice of emergency medical care. It would remove the ability to perform acts including identification and intervention prior to or during transportation to a hospital or for the routine transportation between health care facilities or services. (AM 2774, Section 23, p. 14).

The Board of Emergency Services would have to adopt rules and regulations to provide for licensure requirements for community paramedics and critical care paramedics, and provide for disciplinary or corrective action against training agencies. It would no longer have to adopt rules and regulations that establish criteria for approval of organizations issuing CPR certifications, and remove the requirement of establishing criteria for various levels of emergency medical technicians performing activities at a hospital or health clinic. (AM 2774, Section 30, pp. 18-21).

It would also change provisions related to nurses. A licensed practical nurse would no longer be exempt from the licensing requirements of the Emergency Medical Services Practice Act. A registered nurse could direct an emergency service provider in a setting other than an emergency medical service. An emergency medical service means the organization responding to the need for medical care. A licensed practical nurse would no longer be considered an emergency care provider for the purposes of transportation requirements. An emergency care provider - prior to December 31, 2025 - includes: advanced EMTs; community paramedics; critical care paramedics; emergency medical responders; EMTs; EMT-intermediates; and paramedics. (AM 2774, Sections 18, 32, 33, 35, pp. 12, 23-25; Neb. Rev. Stat. Sections 38-1207).

Motion to include LB 893, as amended, into the committee amendment AM 2774:

Vote: 7-0-0-0

Voting Aye: Senators Arch, Cavanaugh, B. Hansen, Howard, Murman, Walz, Williams

Voting Nay: None

Absent: None

Present Not Voting: None

Public Hearing (2-13-20) testifiers

Proponents:

Senator Bruce Bostelman - Introducer

Dr. James Smith - Nebraska State EMS Board

Michael Miller - Nebraska Board of EMS

Dave Huey - Nebraska Emergency Medical Services

Martin Fattig - Nemaha County Hospital

Jerry Stilmock - Nebraska State Volunteer Firefighters' Association; and Nebraska Fire Chiefs' Association

Ralph Morocco - Mid-America Council, Camp Cedars

Niki Eisenmann - Nebraska Nurses Association

Opponents: None

Neutral:

Janet Seelhoff - Nebraska Homeland Association

Dr. Gary Anthonie - Department of Health and Human Services

LB 1184

The amended provisions of LB 1184 may be found in Sections 43 and 44 of AM 2774, pages 36-37.

LB1184 would amend the Medical Assistance Act (Neb. Rev. Stat. Section 68-901) to require the Department of Health and Human Services Division of Medicaid and Long-Term Care to set standards for inpatient psychiatric units for juveniles and psychiatric residential treatment facilities for juveniles. Each staff member must be twenty years old or older; be at least two years older than the oldest resident in the facility or unit; have a high school diploma or equivalent; and have appropriate training for basic care of the patients of the facility. (AM 2774, Section 44, p. 36).

Motion to include LB 1184, as amended, into the committee amendment AM 2774:

Vote: 7-0-0-0

Voting Aye: Senators Arch, Cavanaugh, B. Hansen, Howard, Murman, Walz, Williams

Voting Nay: None

Absent: None

Present Not Voting: None

Public Hearing (2-19-20) testifiers

Proponents:

Senator John Arch - Introducer

Pat Connell - Nebraska Association of Behavioral Health Organization

Marilyn Rhoten - CHI Health

Dr. David Miers - Bryan Medical Center

Dennis Vollmer - Boys Town

Opponents: None

Neutral: None

LB 1044

The original provisions of LB 1044 may be found in Section 41 of AM 2774, pages 28-29.

LB1044 would amend the Medical Nutrition Therapy Practice Act (Neb. Rev. Stat. Section 38-1801) to allow a licensed medical nutritionist to order patient diets, including therapeutic diets, under the consultation of a physician. (AM 2774, Section 41, pp. 28-29).

Motion to include LB 1044 into the committee amendment AM 2774:

Vote: 7-0-0-0

Voting Aye: Senators Arch, Cavanaugh, B. Hansen, Howard, Murman, Walz, Williams

Voting Nay: None

Absent: None

Present Not Voting: None

Public Hearing (2-26-20) testifiers

Proponents:

Senator Ben Hansen - Introducer

Lisa Graff - Nebraska Academy of Nutrition and Dietetics

David Slattery - Nebraska Hospital Association

Opponents: None

Neutral: None

Section 58 states that all sections except Sections 47, 48, and 60 become operative three calendar months after the adjournment of this legislative sections. Sections 47, 48, and 60 become operative when passed and approved according to law.

Sections 59 and 60 repeal the original affected statutes.

