

ONE HUNDRED EIGHTH LEGISLATURE - FIRST SESSION - 2023
COMMITTEE STATEMENT
LB181

Hearing Date: Wednesday February 01, 2023
Committee On: Health and Human Services
Introducer: Hansen, B.
One Liner: Provide for filling and refilling prescriptions in certain circumstances

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

Vote Results:
Aye: 7 Senators Ballard, Cavanaugh, M., Day, Hansen, B., Hardin, Riepe, Walz
Nay:
Absent:
Present Not Voting:

Testimony:

Proponents:

Senator Ben Hansen
Marcia Mueting
Lydia Fritsch

Madalynne Stubbendick
Bob Hallstrom
Mark Fritsche
Daniel Rosenquist

Representing:

District 16
Nebraska Pharmacists Association
American Pharmacist Association Academy of Student
Pharmacists Phar
Self
Nebraska Pharmacists Association
Self
Nebraska Medical Association

Opponents:

Representing:

Neutral:

Representing:

* ADA Accommodation Written Testimony

Summary of purpose and/or changes:

LB 181 allows a pharmacist to continue to refill prescriptions if a practitioner is no longer in practice. These prescriptions consist of previously authorized refills, controlled substances with a delayed fill date, or one-time emergency refills.

Sec. 1: Includes new language in the Pharmacy Practice Act.

Sec. 2: If a practitioner is no longer in practice for any reason, including death, extended illness, retirement, relocation, or suspension or revocation of the credential, the pharmacist may use professional judgment to continue to refill a prescription. These prescriptions consist of previously authorized refills; controlled substances with a delayed fill date noted at the time of prescribing; or a one-time emergency refill issued by such a practitioner for up to 90 day

supply of maintenance medications, including controlled substances.

Sec. 3: Repealer

Explanation of amendments:

AM 812 is a white copy amendment which includes AM 334 to LB 181 and the provisions of LB 548, LB 202, LB 611 and LB 458.

AM334 strikes Section 2 and provides that a prescription is valid when written remains valid for the period stated in the medical order notwithstanding the prescribing practitioner's subsequent death or retirement or the suspension or revocation or the prescribing practitioner's credential by the appropriate board, and a pharmacist may use professional judgment to fill or refill such a prescription which has sufficient fills remaining. Also, this section shall not apply to a prescription issued by a veterinarian.

LB 548 provides that an applicant for a pharmacist license no longer needs to obtain a grade of 75 on the pharmacy jurisprudence examination.

Sec. 1: Every applicant for licensure as a pharmacist shall be required to attain a grade to be determined by the board in an examination in pharmacy and a grade of seventy-five in an examination in jurisprudence of pharmacy.

Sec. 2: Any person authorized to compound shall compound in compliance with the standards of chapters 795 and 797 of The United States Pharmacopeia and The National Formulary, as such chapters existed on January 1, 2023 2015

Sec. 3: Repealer

Motion to include LB 548 as part of AM 812

Vote results: 7-0-0

Voting Aye: Senator Hansen, Senator Ballard, Senator Day, Senator Cavanaugh, Senator Hardin, Senator Riepe, Senator Walz

Voting Nay: None

Present Not Voting: None

Testifiers on LB 548:

Proponents:

Senator Beau Ballard, District 21

Bob Hallstrom, Nebraska Pharmacists Association

Opponents:

None

Neutral:

None

LB 202 allows a pharmacy technician to administer vaccines.

Sec. 1: A pharmacy technician may administer vaccines and such task is not considered a task requiring professional judgment when: the vaccines are verified by a supervising pharmacist limited to intra-muscular deltoid or subcutaneous arm to at least a 3yr old the tech is certified under 38-2890 the tech as completed training in vaccine administration tech is certified in basic life support skills determined by the board supervising pharmacist is on site.

Sec. 2: Repealer

Sec. 3: Emergency Clause

Motion to include LB 202 as part of AM 812

Vote results: 7-0-0

Voting Aye: Senator Hansen, Senator Ballard, Senator Day, Senator Cavanaugh, Senator Hardin, Senator Riepe, Senator

Walz
Voting Nay: None
Present Not Voting: None

Testifiers on LB 202:

Proponents:

Senator Lynne Walz, District 15
Marcia Mueting, Nebraska Pharmacists Association
Julie Wollberg, Self
Todd Larimer, Nebraska Pharmacists Association, Walmart Stores Inc.
Judith Neville, American Pharmacists Association
Daniel Rosenquist, Nebraska Medical Association
Linda Bostwick, Nebraska Nurses Association
Rich Otto, Nebraska Retail Federation, Nebraska Grocery Industry Association
Jina Ragland, AARP Nebraska

Opponents:

Dr. Jeanna Greisen, RPH, Self
Gus Ponstingl, Self

Neutral:

None

LB 611 changes medication requirements of the administration of drugs for a hospital, an ambulatory surgical center, or health care practitioner facility. When a provided medication is ordered at least 24 hours in advance for surgical procedures and is administered to a patient, any unused portion of the medication shall be offered to the patient upon discharge when it is required for continuing treatment. Health care facility provided medication is defined. The prescriber is responsible for counseling the patient on its proper use and administration.

Sec. 1: (4)(a) When a hospital, an ambulatory surgical center, or a health care practitioner facility provides medication that is ordered at least twenty-four hours in advance for surgical procedures and is administered to a patient at the hospital, ambulatory surgical center, or health care practitioner facility, any unused portion of the medication shall be offered to the patient upon discharge when it is required for continuing treatment. The unused portion of any such medication accepted by the patient upon discharge shall be labeled by the prescriber or a pharmacist consistent with labeling requirements in section 71-2479

Sec. 2: Repealer

Motion to include LB 611(as amended) as part of AM 812

Vote results: 7-0-0

Voting Aye: Senator Hansen, Senator Ballard, Senator Day, Senator Cavanaugh, Senator Hardin, Senator Riepe, Senator Walz

Voting Nay: None

Present Not Voting: None

Testifiers on LB 611:

Proponents:

Senator Merv Riepe, District 12
Patricia Terp, NE Academy of Eye Physicians and Surgeons

Opponents:

None

Neutral:

None

LB 458 provides that if the dispensing and central fill pharmacy are under common ownership, the fill pharmacy can deliver to the patient on behalf of the dispensing pharmacy.

Sec. 1: If the dispensing pharmacy and central fill pharmacy are under common ownership, the central fill pharmacy may deliver such drug, device, or biological to the patient or caregiver on behalf of the dispensing pharmacy.

Sec. 2: The label affixed to the container must include the name and address of the central fill pharmacy if a central fill pharmacy is used.

Sec. 3: Repealer

Motion to include LB 458 as part of AM 812

Vote results: 7-0-0

Voting Aye: Senator Hansen, Senator Ballard, Senator Day, Senator Cavanaugh, Senator Hardin, Senator Riepe, Senator Walz

Voting Nay: None

Present Not Voting: None

Testifiers on LB 458:

Proponents:

Senator Beau Ballard, District 21

Sarah Kuhl, Nebraska Medicine

Opponents:

None

Neutral:

None

Ben Hansen, Chairperson