

LEGISLATURE OF NEBRASKA
ONE HUNDRED EIGHTH LEGISLATURE
SECOND SESSION

LEGISLATIVE BILL 1138

Introduced by Riepe, 12.

Read first time January 11, 2024

Committee: Health and Human Services

- 1 A BILL FOR AN ACT relating to the Uniform Credentialing Act; to amend
- 2 section 38-1,146, Revised Statutes Cumulative Supplement, 2022; to
- 3 change provisions relating to prescriptions for controlled
- 4 substances; and to repeal the original section.
- 5 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 38-1,146, Revised Statutes Cumulative Supplement,
2 2022, is amended to read:

3 38-1,146 (1) For purposes of this section, prescriber means a health
4 care practitioner authorized to prescribe controlled substances in the
5 practice for which credentialed under the Uniform Credentialing Act.

6 (2) Except as otherwise provided in subsection (3) or (6) of this
7 section, no prescriber shall, in this state, issue any prescription as
8 defined in section 38-2840 for a controlled substance as defined in
9 section 28-401 unless such prescription is issued (a) using electronic
10 prescription technology, (b) from the prescriber issuing the prescription
11 to a pharmacy, and (c) in accordance with all requirements of state law
12 and the rules and regulations adopted and promulgated pursuant to such
13 state law.

14 (3) The requirements of subsection (2) of this section shall not
15 apply to prescriptions:

16 (a) Issued by veterinarians;

17 (b) Issued in circumstances where electronic prescribing is not
18 available due to temporary technological or electrical failure;

19 (c) Issued when the prescriber and the dispenser are the same
20 entity;

21 (d) Issued that include elements that are not supported by the
22 Prescriber/Pharmacist Interface SCRIPT Standard of the National Council
23 for Prescription Drug Programs as such standard existed on January 1,
24 2021;

25 (e) Issued for a drug for which the federal Food and Drug
26 Administration requires the prescription to contain certain elements that
27 are not able to be accomplished with electronic prescribing;

28 (f) Issued for dispensing a non-patient-specific prescription which
29 is (i) an approved protocol for drug therapy or (ii) in response to a
30 public health emergency;

31 (g) Issued for a drug for purposes of a research protocol;

1 (h) Issued under circumstances in which, notwithstanding the
2 prescriber's ability to make an electronic prescription as required by
3 this section, such prescriber reasonably determines (i) that it would be
4 impractical for the patient to obtain substances prescribed by electronic
5 prescription in a timely manner and (ii) that such delay would adversely
6 impact the patient's medical condition;~~or~~

7 (i) Issued for drugs requiring compounding; or ~~or~~

8 (j) Issued by a prescriber who issues fewer than fifty prescriptions
9 in one calendar year otherwise subject to subsection (2) of this section.

10 (4) A pharmacist who receives a written, oral, or faxed prescription
11 is not required to verify that the prescription falls under one of the
12 exceptions listed in subsection (3) of this section. A pharmacist may
13 continue to dispense medication from any otherwise valid written, oral,
14 or faxed prescription consistent with the law and rules and regulations
15 as they existed prior to January 1, 2022.

16 (5) A violation of this section shall not be grounds for
17 disciplinary action under the Uniform Credentialing Act.

18 (6) A dentist shall not be subject to this section until January 1,
19 2024.

20 Sec. 2. Original section 38-1,146, Revised Statutes Cumulative
21 Supplement, 2022, is repealed.