

LEGISLATURE OF NEBRASKA
ONE HUNDRED NINTH LEGISLATURE
FIRST SESSION

LEGISLATIVE BILL 577

Introduced by Dorn, 30.

Read first time January 22, 2025

Committee: Health and Human Services

1 A BILL FOR AN ACT relating to the Department of Health and Human
2 Services; to amend section 71-436.02, Reissue Revised Statutes of
3 Nebraska, and section 38-2847, Revised Statutes Cumulative
4 Supplement, 2024; to change licensure requirements for remote
5 dispensing pharmacies; to change verification requirements for
6 pharmacists as prescribed; and to repeal the original sections.

7 Be it enacted by the people of the State of Nebraska,

1 **Section 1.** Section 38-2847, Revised Statutes Cumulative Supplement,
2 2024, is amended to read:

3 38-2847 (1) Verification means the confirmation by a supervising
4 pharmacist of the accuracy and completeness of the acts, tasks, or
5 functions undertaken by a pharmacy technician to assist the pharmacist in
6 the practice of pharmacy.

7 (2) Verification shall occur by a pharmacist on duty in the
8 facility, except that verification may occur (a) by means of a real-time
9 audiovisual communication system if (i) ~~(a)~~ a pharmacy technician
10 performs authorized activities or functions to assist a pharmacist and
11 the prescribed drugs or devices will be administered to persons who are
12 patients or residents of a facility by a credentialed individual
13 authorized to administer medications, or (ii) ~~(b)~~ a pharmacy technician
14 is engaged in remote dispensing in compliance with section 71-436.02, or
15 (b) when ~~(c)~~ all of the following conditions are met: (i) The pharmacist
16 performing the verification of pharmacy technician data entry is located
17 in a licensed pharmacy in Nebraska, (ii) the physical product
18 verification occurs in person at the location where the prescription is
19 prepared, and (iii) the pharmacy maintains manual or electronic records
20 that identify, individually for each order processed, the name, initials,
21 or identification code of each pharmacist, pharmacist intern, or pharmacy
22 technician who took part in all acts, tasks, or functions undertaken to
23 fulfill a prescription.

24 **Sec. 2.** Section 71-436.02, Reissue Revised Statutes of Nebraska, is
25 amended to read:

26 71-436.02 (1) A pharmacy shall obtain a remote dispensing pharmacy
27 license under the Health Care Facility Licensure Act prior to engaging in
28 remote dispensing. A pharmacy shall not be licensed as both a remote
29 dispensing pharmacy and a pharmacy. At the time of initial licensure as a
30 remote dispensing pharmacy, the remote dispensing pharmacy must be
31 located ten driving miles or more from the nearest pharmacy. The remote

1 dispensing pharmacy shall operate in accordance with this section.

2 (2) If the remote dispensing pharmacy employs a ~~certified~~ pharmacy
3 technician to dispense prescription drugs, remote dispensing shall occur
4 under remote supervision via a real-time audiovisual communication system
5 by a licensed pharmacist employed by a supervising pharmacy. The licensed
6 pharmacist must be licensed and located in Nebraska. If the real-time
7 audiovisual communication system between the remote dispensing pharmacy
8 and supervising pharmacy is not working, no remote dispensing can be
9 completed at the remote dispensing pharmacy until the real-time
10 audiovisual communication system is restored and working properly.

11 (3) The remote dispensing pharmacy must have the same pharmacist in
12 charge as the supervising pharmacy. The pharmacist in charge must ensure
13 that a pharmacist is onsite at the remote dispensing pharmacy at a
14 minimum of once each calendar month. The pharmacist in charge in the
15 supervising pharmacy may delegate tasks to another pharmacist who is
16 employed by the supervising pharmacy, such as supervision of the
17 ~~certified~~ pharmacy technician working remotely in the remote dispensing
18 pharmacy, oversight of inventory, patient counseling, and other duties as
19 assigned. The pharmacist supervising the ~~certified~~ pharmacy technician
20 remotely is responsible for the drug utilization review, the final
21 verification, and the supervision of the remote dispensing at the remote
22 dispensing pharmacy.

23 (4) In order for remote dispensing to occur in a remote dispensing
24 pharmacy:

25 (a) When a prescription is being dispensed to a patient or
26 caregiver, the supervising pharmacist must attempt to counsel on all new
27 prescriptions dispensed from the remote dispensing pharmacy; and

28 (b) The real-time audiovisual communication system must be working
29 properly.

30 **Sec. 3.** Original section 71-436.02, Reissue Revised Statutes of
31 Nebraska, and section 38-2847, Revised Statutes Cumulative Supplement,

1 2024, are repealed.