

TRANSCRIPT PREPARED BY THE CLERK OF THE LEGISLATURE  
Transcriber's Office  
FLOOR DEBATE

March 9, 2004

LB 906

other than the pharmacist usually has a working relationship with the people that he prescribes medications to, and the pharmacist is still liable in this case if the intern would make a mistake. But...

SENATOR CHAMBERS: Well, let me...

SENATOR CUNNINGHAM: ...it does not change current statute at all in that regard.

SENATOR CHAMBERS: But under the current statute, it's the pharmacist who is involved personally and directly and cannot palm off the responsibility or the culpability on another person. It's all on the pharmacist and no prescription will be refilled as a result of a phone call unless the pharmacist does it. Is that the way it is under current law?

SENATOR CUNNINGHAM: Yes.

SENATOR CHAMBERS: Now if somebody in my family has a prescription for a controlled substance, and I don't want to try and name one, but I am the one who would like to get hold of some of that, and I make the phone call. And the intern doesn't know me from my brother from Adam and notes that there has been a prescription and a refill is authorized, so the intern fills it. I come in to pick up the refill and the pharmacist is not there. And I tell the intern I'm the one who made the call, and the intern gives me the refill. I am not the one whose name the prescription is under. I am not in need of the prescription but I want that drug for my own purposes. How is that prevented under what you're talking about here?

SENATOR CUNNINGHAM: Well, under current law and even if this passes, the intern can only fill that prescription under the supervision of the pharmacist.

SENATOR CHAMBERS: So the intern says, Mr. Chambers called, and the pharmacist says, okay, fill it. So the intern fills it. The pharmacist didn't talk to Mr. Chambers.

SENATOR CUNNINGHAM: But I would also tell you that in a lot of