

AMENDMENTS TO LB 528

Introduced by Health and Human Services

1           1. Strike the original sections and insert the following  
2 new sections:

3           Section 1. If a physician, a physician assistant, a  
4 nurse practitioner, or a certified nurse midwife licensed under  
5 the Uniform Credentialing Act diagnoses a patient as having  
6 chlamydia or gonorrhea, the physician may prescribe, provide, or  
7 dispense pursuant to section 38-2850 and the physician assistant,  
8 nurse practitioner, or certified nurse midwife may prescribe or  
9 provide drug samples of prescription oral antibiotic drugs to  
10 that patient's sexual partner or partners without examination  
11 of that patient's partner or partners. Adequate directions for  
12 use and medication guides, where applicable, shall be provided  
13 along with additional prescription oral antibiotic drugs for any  
14 additional partner. The oral antibiotic drugs prescribed, provided,  
15 or dispensed pursuant to this section must be stored, dispensed,  
16 and labeled in accordance with federal and state pharmacy laws  
17 and regulations. Prescriptions for the patient's sexual partner or  
18 partners must include the partner's name. If the infected patient  
19 is unwilling or unable to deliver such prescription oral antibiotic  
20 drugs to his or her sexual partner or partners, such physician  
21 may prescribe, provide, or dispense pursuant to section 38-2850 and  
22 such physician assistant, nurse practitioner, or certified nurse  
23 midwife may prescribe or provide samples of the prescription oral

1 antibiotic drugs for delivery to such partner, if such practitioner  
2 has sufficient locating information.

3           Sec. 2. The Department of Health and Human Services may  
4 adopt and promulgate rules and regulations to carry out section 1  
5 of this act.

6           Sec. 3. Section 71-503.01, Reissue Revised Statutes of  
7 Nebraska, is amended to read:

8           71-503.01 (1) Whenever any statute of the state, any  
9 ordinance or resolution of a municipal corporation or political  
10 subdivision enacted pursuant to statute, or any rule or regulation  
11 of an administrative agency adopted and promulgated pursuant to  
12 statute ~~requires~~ allows medical practitioners or other persons  
13 to prescribe, provide, or dispense prescription drugs pursuant to  
14 sections 1 and 2 of this act or requires medical practitioners or  
15 other persons to report cases of communicable diseases, including  
16 sexually transmitted diseases and other reportable diseases,  
17 illnesses, or poisonings or to give notification of positive  
18 laboratory findings to the Department of Health and Human Services  
19 or any county or city board of health, local public health  
20 department established pursuant to sections 71-1626 to 71-1636,  
21 city health department, local health agency, or state or local  
22 public official exercising the duties and responsibilities of any  
23 board of health or health department, such reports or notifications  
24 and the resulting investigations and such prescription, provision,  
25 or dispensing of prescription drugs and records pertaining thereto  
26 shall be confidential except as provided in this section, shall not  
27 be subject to subpoena, and shall be privileged and inadmissible

1 in evidence in any legal proceeding of any kind or character and  
2 shall not be disclosed to any other department or agency of the  
3 State of Nebraska.

4 (2) In order to further the protection of public health,  
5 such reports, ~~and~~ notifications, and prescription, provision, or  
6 dispensing of prescription drugs may be disclosed by the Department  
7 of Health and Human Services, the official local health department,  
8 and the person making such reports or notifications to the Centers  
9 for Disease Control and Prevention of the Public Health Service  
10 of the United States Department of Health and Human Services or  
11 its successor in such a manner as to ensure that the identity  
12 of any individual cannot be ascertained except as required for  
13 delivery of such prescription drugs pursuant to sections 1 and 2  
14 of this act. To further protect the public health, the Department  
15 of Health and Human Services, the official local health department,  
16 and the person making the report or notification may disclose  
17 to the official state and local health departments of other  
18 states, territories, and the District of Columbia such reports and  
19 notifications, including sufficient identification and information  
20 so as to ensure that such investigations as deemed necessary are  
21 made.

22 (3) The appropriate board, health department, agency,  
23 or official may: ~~(1)~~ (a) Publish analyses of ~~such reports and~~  
24 ~~information~~ reports, information, and the notifications described  
25 in subsection (1) of this section for scientific and public health  
26 purposes in such a manner as to ensure that the identity of any  
27 individual concerned cannot be ascertained; ~~(2)~~ (b) discuss the

1 report or notification with the attending physician; and ~~(3)~~ (c)  
2 make such investigation as deemed necessary.

3           (4) Any medical practitioner, any official health  
4 department, the Department of Health and Human Services, or any  
5 other person making such reports or notifications or prescribing,  
6 providing, or dispensing such prescription drugs pursuant to  
7 sections 1 and 2 of this act shall be immune from suit for  
8 slander or libel or breach of privileged communication based on any  
9 statements contained in such reports and notifications or pursuant  
10 to prescription, provision, or dispensing of such prescription  
11 drugs.

12           Sec. 4. Original section 71-503.01, Reissue Revised  
13 Statutes of Nebraska, is repealed.