ONE HUNDRED FIFTH LEGISLATURE - FIRST SESSION - 2017
COMMITTEE STATEMENT
LB166

Hearing Date: Friday January 27, 2017
Committee On: Health and Human Services
Introducer: Kolterman
One Liner: Change provisions of Uniform Controlled Substances Act and Pharmacy Practice Act

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

Vote Results:

Aye:	7	Senators Crawford, Erdman, Howard, Kolterman, Linehan, Riepe, Williams
Nay:		
Absent:		
Present Not Voting:		

Verbal Testimony:

Proponents:	**Representing:**
Senator Mark Kolterman	Introducer
Joni Cover	Nebraska Pharmacists Association
Elisabeth Hurst	Nebraska Hospital Association
Opponents:	**Representing:**
Neutral:	**Representing:**

Summary of purpose and/or changes:
LB 166 amends provisions of the Pharmacy Practice Act and the Uniform Controlled Substances Act to harmonize language and to replace language being repealed by the updating of the pharmacy practice regulations found in 172 NAC 128 and 175 NAC 8. Amends Section 28-414 to mirror federal law changes pursuant to 21 USC 829 regarding partial fills of controlled substance prescriptions. Adds language to the Health Care Facilities Licensure Act regarding hospital pharmacy practice, allowing medications to be provided to patients being dismissed from an emergency room to receive small amounts of medications to care for patients when a retail pharmacy is not open during the evening or weekend hours.

SECTION BY SECTION:

Section 1: Amends Section 28-410 of the Controlled Substance Act to strike obsolete language. Requires an inventory of controlled substances when there is a change in pharmacist in charge.

Section 2: Amends Section 28-411 by renumbering sections.

Section 3: Amends Section 28-414 by adding "if applicable" to the requirement to include a strength of a drug on a prescription, and deletes "if applicable" from the dosage form. Eliminate the reference to "emergency situations" defined in rules and regulations. Defines "emergency situation". Changes partial fill allowances from 72 hours to 30 days. Adds electronic prescriptions to the list of ways that a new prescription for a Schedule II controlled substance can be provided

after a partial fill.

Section 4: Amends Section 28-414.01 to add "if applicable" to the requirement to include a strength of a drug on a prescription, and deletes "if applicable" from the dosage form. Add language to define "PRN" or "pro re nata" as "as needed" refills for controlled substances.

Section 5: Amends Section 28-414.03 to add language for dispensing of controlled substances in multi-dose containers. Requires central fill pharmacies filling controlled substances in multi-dose containers to add the central fill's DEA number on the label of the container.

Section 6: Amends Section 28-442 to expand the individuals that work in a pharmacy who can provide hypodermic syringes for the prevention of the spread of infectious disease, including pharmacist interns, pharmacy technicians and pharmacy clerks.

Section 7: Amends Section 38-1124 to provide that pharmacy technicians are not required to file a report of loss or theft of controlled substances with the DEA.

Section 8: Amends Section 38-1,125 to clarify language in the Uniform Credentialing Act that pharmacy technicians are only required to report first hand knowledge of impairment of alcohol, controlled substances, or narcotic drugs to the Department. A pharmacist technician making a report will be completely immune from criminal or civil liability regarding reporting, except self reporting immunity will not apply. Immunity is not granted if reporting individual causes damage or injury by his or her willful, wanton or grossly negligent act, commission or omission.

Section 9: Amends Section 38-2801 to add sections referenced to the Drug Product Selections Act within the Pharmacy Practice Act.

Section 10: Amends Section 38-2802 to add sections referenced to the Drug Product Selections Act within the Pharmacy Practice Act.

Section 11: Amends Section 38-2836 to update statute number found in the definition of pharmacy technician.

Section 12: Defines "repackage" to the Pharmacy Practice Act.

Section 13: Amends Section 38-2866.01 requiring pharmacist interns to be supervised when practicing pharmacy.

Section 14: Adds language to authorize pharmacists to enter into practice agreements with authorized health care practitioners, including the requirements of those practice agreements.

Section 15: Updates statute numbers found in the sections pertaining to pharmacy technicians.

Section 16: Adds language that is currently in regulations to statutes to state that for prescriptions for patients in a long-term care facility stating that if the prescription does not indicate a quantity, the quantity is 60-days unless otherwise specified.

Section 17: Deletes language requiring the pharmacist-in-charge to provide proof of training of pharmacy staff, particularly pharmacy technicians.

Section 18: Amends Section 38-2894 to update statute numbers found in the sections pertaining to pharmacy technicians.

Section 19: Adds sections to the title for the Health Care Facility Licensure Act. Those sections contain language for medication provisions in hospital emergency rooms.

Section 20: Creates statutory authority for hospital personnel to provide medications that have been administered in the hospital in packages that would otherwise be disposed of, to be sent home with patients. Also allows for medications to be provided to patients dismissed from the emergency room when the community pharmacy is closed.

Section 21: Amends Section 71-2412 to remove the restriction for multi-dose vials to be included in emergency drug boxes in long-term care facilities. Updates the reference for the definition of calculated expiration date.

Section 22: Amends Section 71-2413 to add language for the designee of the director of nursing home to sign for emergency drug boxes in long-term care facilities when the director of nursing is unavailable.

Section 23: Amends Section 71-2445 to harmonize the definition of the practice of pharmacy in the Automated Medications Systems Act with the definition in the Pharmacy Practice Act.

Section 24: Amends Section 71-2478 to add language to define "PRN" or "pro re nata" as "as needed" refills for controlled substances.

Section 25: Amends Section 71-2479 to add language for dispensing of non-controlled substance legend drugs in multi-dose containers.

Section 26: Repeals Sections 28-410, 28-411, 28-414, 28-414.01, 28-414.03, 28-442, 38-1,124, 38-1,125, 38-2801, 38-2802, 38-2836, 38-2866.01, 38-2867, 38-2870, 38-2892, 38-2894, 71-2412, 71-2413, 71-401, 71-2445, 71-2478, and 71-2479,

Section 27: Repealed Sections 38-2853 and 38-2897.

Section 28: Emergency clause.

Explanation of amendments:
AM 143 achieves the following:

Amends Section 3 by including language about "emergency situations".

Amends Section 8 by amending Section 38-1125 to exclude Section 38-2897 regarding pharmacist interns and pharmacy technicians.

Amends Section 9 & 10 to add additional section numbers.

Amends Section 12 to add a definition of "practice agreement".

Amends Section 13 to add a definition of "written protocol".

Amends Section 18 by amending Section 38-2897 to clarify reports filed under Section 38-1125 will not apply to pharmacist interns and pharmacy technicians. Adds reporting requirements regarding professional liability insurance companies. Reporting requirements for members of the Health Care Quality Improvement Act, the Patient Safety Improvement Act, Section 25-12,123, or witnesses before committee. Documents from original sources shall not be construed as immune from discovery.

Amends Section 20 by striking prescribers name from page 22, line 4 of LB 166. Adds electronic order to page 22, line 10. Strikes prescribers name from page 22, line 20. Clarifies written information to be provided. Strikes inventory list, log sheet and inventory check on page 22, lines 23-30. Adds maintenance of documentation requirement for drugs provided.

Amends Section 21 by striking the restrictions on multidose and quantity limits for emergency box drugs.

Merv Riepe, Chairperson