

**ONE HUNDRED EIGHTH LEGISLATURE - SECOND SESSION - 2024**  
**COMMITTEE STATEMENT (CORRECTED)**  
**LB1215**

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**Hearing Date:** Wednesday January 31, 2024  
**Committee On:** Health and Human Services  
**Introducer:** Hansen  
**One Liner:** Change provisions relating to credentialing fees, communicable diseases, rehabilitation beds, and acute care beds

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

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**Vote Results:**  
**Aye:** 7 Senators Ballard, Cavanaugh, M., Day, Hansen, Hardin, Riepe, Walz  
**Nay:**  
**Absent:**  
**Present Not Voting:**

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**Testimony:**

**Proponents:**

Senator Ben Hansen  
Dr. Timothy Tesmer

John Gage  
Laura Ebke  
Chris Lee

John Woodrich

**Representing:**

Opening Presenter  
Chief Medical Officer-Department of Health and Human Services  
Americans for Prosperity  
Platte Institute  
Chief Operating Officer--Madonna Rehabilitation/Nebraska Hospital Association  
Executive Vice President/Chief Operating Officer--Bryan Health

**Opponents:**

**Representing:**

**Neutral:**

**Representing:**

\* ADA Accommodation Written Testimony

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**Summary of purpose and/or changes:**

LB 1215 changes provisions relating to DHHS. Nurses requesting renewals are required to include evidence that they registered with the electronic database. The DHHS fee for health care facilities relating to informal conferences is eliminated. Tuberculosis patients can be committed to other locations other than hospitals. The Certificate of Need (CON) requirement for rehabilitation beds in hospitals is removed.

Sec. 1: Requests to renew licenses for licensed practical nurses, registered nurses, and advanced practice registered nurses are required to include evidence that the licensee has registered with the electronic database for



the purpose of providing current license status and nursing workforce data collection.

Sec. 2: The requirement that DHHS collects a fee for any applicant/licensee requesting an informal conference with a peer review organization of a health care facility to cover the costs/expense is removed.

Sec. 3: No person having communicable tuberculosis in his/her home obeys the DHHS rules/regs for control of tuberculosis or voluntarily accepts hospitalization or treatment in a health care facility or other location as approved by the Governor shall be committed under the Tuberculosis Detection and Prevention Act.

Sec.4: Expenses incurred in the care, maintenance, and treatment of tuberculosis patients shall be paid from state funds for the purpose of entering into agreements to provide this care and is not limited to agreements with qualified health care facilities (qualified health care facilities is stricken).

Sec. 5: DHHS shall adopt and promulgate rules and regulations relating to the care, maintenance, and treatment of tuberculosis patients and not be limited to contracts with hospitals and health care facilities.

Sec. 6: Removes the "health care facility on either an inpatient or an outpatient basis" from the transportation of tuberculosis patients statute. Rules/regs language is stricken

Sec. 7: Harmonizes citation of the Certificate of Need (CON) act to new language of the bill.

Sec. 8: Removes rehabilitation beds language from Certificate of Need activity requirements.

Sec. 9: Removes rehabilitation bed language from DHHS CON duties.

Sec. 10: Repealer

Sec. 11: CON definition of acute bed, CON definition of rehabilitation bed, and CON moratorium on rehabilitation beds are outright repealed.

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### Explanation of amendments:

The standing Committee Amendment contains AM 2447 to LB 1215 as well as amended provisions of LB 1181(amended with AM2144), LB 1171(amended with AM2412), LB1009, LB1173, LB 1138 and LB 896.

AM 2447 to LB 1215 strikes Sections 7-9 and 11 relating to the Certificate of Need language.

LB 1181 changes provisions in the Pharmacy Practice Act, Uniform Controlled Substances Act and Public Health and Welfare statutes relating to drugs. Specifically, this bill changes inventory and dosage requirements for controlled substances; self-inspection forms used by pharmacies; pharmacy intern age requirements; pharmacy technician registration requirements relating to drug-relating crimes and labeling requirements involving legend drugs which are not controlled substances.

Sec. 1: Each registrant manufacturing, distributing, storing, or dispensing controlled substances shall prepare a biennial inventory instead of an annual inventory. The inventory will be taken every two years instead of annually. Inventory requirements relating to information required by the Board of Pharmacy; copies; listing of the registration; signatures; measures of controlled substances; and formatting are stricken.

Sec. 2: After consultation with the prescribing practitioner, a pharmacist may add or change the dosage form, drug strength, drug quantity, directions for use, and issue date for a prescription for a controlled substance. Language in NRS Section 28-414 (controlled substances, Schedule II) is harmonized with the new language.

Sec. 3: Includes new language in Section 4 of bill (self-inspection forms) in the Pharmacy Practice Act.

Sec. 4: Effective January 1, 2025, any self-inspection of a pharmacy or a hospital pharmacy shall be made using a form authorized by the Board of Pharmacy. The Board shall authorize the form for use beginning January 1, 2025, on or before November 1, 2024. The form shall remain in effect for 1 year. Any updates to the form for subsequent years shall be authorized on or before November 1 of that year. If the Board fails to authorize the form on or before November 1 of any year, any inspection of a pharmacy or hospital pharmacy for the following calendar year shall be conducted by the Board or DHHS, as applicable.

Sec. 5: Requires a pharmacist intern to be at least 17 years of age. Renumbers subsections.

Sec. 6: Individuals registering as a pharmacy technician shall not have been convicted of any non-alcohol, drug-related felony; misdemeanor is stricken. Also, individuals shall not have been convicted of any non-alcohol,



drug-related misdemeanor within 5 years prior to application.

Sec. 7: A prescription for a legend drug, not a controlled substance, must contain, prior to being filled by a pharmacist, the patient's name, or if not issued for a specific patient, the words "for emergency use" or "for use in immunizations".

Sec. 8: Prescriptions labeled "for emergency use" or "for use in immunizations" do not need to be reported to the prescription drug monitoring program.

Sec. 9: Adds the language, "emergency use" or "use in immunizations" to current statute on written, oral, or electronic legend drug (not controlled substance) prescriptions.

Sec. 10: Adds the language, "emergency use" or "use in immunizations" to current statute on labeling and retention requirements of legend drugs (not controlled substances).

Sec. 11: Repealer

AM2144 changes the pharmacist intern age from 17 to 18.

Motion to amend LB1214 with LB 1181 as amended

Vote Results: 7-0-0

Voting Aye: Senator Hansen, Senator Hardin, Senator Ballard, Senator Cavanaugh, Senator Riepe, Senator Day, Senator Walz

Voting Nay: None

Present Not Voting:

Testifiers to LB 1181

Proponents: Senator Beau Ballard

Marcia Mueting, Nebraska Pharmacy Association

Teri Miller, Nebraska Pharmacy Association

Haley Pertzborn, Nebraska Pharmacy Association

Opponent: None

Neutral: Paul Henderson, Nebraska Medical Association

LB 1171 adds an exception to pharmacy verification requirements. This bill will provide an exception relating to the pharmacist's location, location of the physical product, and the pharmacy's manual or electronic records.

Sec. 1: Verification shall occur by a pharmacist on duty in the facility, except that verification may occur by means of a real-time audio-visual communication system if all of the following conditions are met:

- The pharmacist performing the verification is located in Nebraska;
- The physical product verification occurs in person at the location where the prescription is prepared; and
- The pharmacy maintains manual or electronic records that identify, individually for each order processed, the name, initials, or identification code of each pharmacist, pharmacist intern, or pharmacy technician who took part in all acts, tasks, or functions undertaken to fulfill a prescription.

Sec. 2: Repealer

AM2412 retains the original language from the bill, but adds the emergency clause.

Motion to amend LB 1215 with LB 1171 as amended

Vote Results: 7-0-0

Voting Aye: Senator Hansen, Senator Hardin, Senator Ballard, Senator Cavanaugh, Senator Day, Senator Riepe, Senator Walz

Voting Nay: None

Present Not Voting: None



Testifiers to LB 1171

Proponents: Senator Brian Hardin

Rich Otto, Nebraska Retail Federation, Nebraska Grocery Industry Association

Kimberly Walz, Walgreens

Lorri Walmsley, Walgreens

Haley Pertzborn, Nebraska Pharmacists Association

Opponents: None

Neutral: None

LB 1009 allows a person who has failed the third barber examination to take it again. Statutory references relating to barber schools, revocations and suspensions, violations of the Act, Board of Barber Examiners, and rules and regulations are removed and replaced with "the Barber Act".

Sec. 1: The reference to Sections 71-201 to 71-224 are stricken and replaced with the Barber Act.

Sec. 2: The language stating that if he or she fails at the third examination, no further examination shall be granted is removed.

Sec. 3: The references to Sections 71-201 to 71-237 are stricken and replaced with the Barber Act.

Sec. 4: The reference to Section 71-201 to 71-237 is stricken and replaced with the Barber Act. Language is harmonized involving violations of this provision.

Sec. 5: The reference to Section 71-201 to 71-237 is stricken and replaced with the Barber Act.

Sec. 6: The reference to Section 71-201 to 71-224 is stricken and replaced with the Barber Act.

Motion to amend LB 1215 with LB 1009

Vote Results: 7-0-0

Voting Aye: Senator Hansen, Senator Hardin, Senator Ballard, Senator Cavanaugh, Senator Day, Senator Riepe, Senator Walz

Voting Nay: None

Present Not Voting:

Testifiers to LB 1009

Proponents: Senator Lynne Walz

Ken Allen, Nebraska Board of Barber Examiners

Opponent: None

Neutral: None

LB 1173 defines abstract of death and adds to the vital statistics documents (i.e. birth certificates, death certificates) that DHHS supplies, charges fees or conducts searches. Also, this bill changes the death certificate form for U.S. veterans.

Sec. 1: Adds abstract of death to documentation for written application to terminate child support.

Sec. 2: Defines abstract of death, in the Vital Statistics Act, as a certified document that summarizes the facts of death, including, but not limited to, the name of decedent, the date of death, and the place of death. An abstract of death does not include signatures. Renumbers subsections.

Sec. 3: Changes the death certificate form for veterans in the U.S. Armed Forces by removing the space for period of service.

Sec. 4: DHHS is required to supply to an applicant for any proper purpose an abstract of death. Also, DHHS is entitled to charge a \$16 fee to be paid by the applicant for any search. However, DHHS is required to provide free searches of an abstract of death requested by the U.S. Department of Veterans Affairs, lawful organizations



empowered to represent veterans or the Military Department. DHHS may provide free searches for abstracts of death when, in their opinion, would be a hardship for the claimant of old age, survivors, or disability benefits to pay the fee. DHHS is required, upon request, to conduct a search of abstracts of death for the Nebraska Medical Association. Lastly, DHHS shall not charge other state agencies the fees for automated review of abstract of deaths.

Sec. 5: Repealer

Motion to amend LB 1215 with LB 1173

Vote Results: 7-0-0

Voting Aye: Senator Hansen, Senator Hardin, Senator Ballard, Senator Cavanaugh, Senator Day, Senator Riepe, Senator Walz

Voting Nay: None

Present Not Voting: None

Testifiers to LB 1173

Proponents: Senator Merv Riepe

Paul Seger, Nebraska Funeral Directors Association

Chris Klingler, Nebraska Funeral Directors Association

Opponent: None

Neutral: None

LB 1138 allows a prescriber who issues less than 50 prescriptions a year to refrain from using electronic prescription technology.

Sec. 1: Include in exemption of providers not required to use electronic prescription technology: Issued by a prescriber who issues fewer than 50 prescriptions in one calendar year otherwise subject to subsection (2) of this section.

Sec. 2: Original Section 38-1,146 is repealed

Motion to amend LB 1215 with LB 1138

Vote Results: 7-0-0

Voting Aye: Senator Hansen, Senator Hardin, Senator Ballard, Senator Cavanaugh, Senator Day, Senator Riepe, Senator Walz

Voting Nay: None

Present Not Voting: None

Testifiers to LB 1138

Proponents: Senator Merv Riepe

David O'Daugherty, Nebraska Dental Association

Melanie Steckelberg, Nebraska Dental Association

Opponent: None

Neutral: None

LB 896 removes the requirement that when a telehealth patient gives verbal consent, then a signed statement must be collected within 10 days.

Sec. 1: Remove the following language: "The signed statement may be collected by paper or electronic signature and shall become a part of the patient's medical record. If the patient gives verbal consent during the initial telehealth consultation, the signed statement shall be collected within ten days after such telehealth consultation."

Sec. 2: Original Section 71-8505 is repealed



Motion to amend LB 1215 with LB 896

Vote Results: 7-0-0

Voting Aye: Senator Hansen, Senator Hardin, Senator Ballard, Senator Cavanaugh, Senator Day, Senator Riepe, Senator Walz

Voting Nay: None

Present Not Voting: None

Testifiers to LB 896

Proponents: Senator Beau Ballard

Shari Flowers, Nebraska Methodist Health System, Nebraska Hospital Association, Nebraska Medical Association

Edison McDonald, Arc of Nebraska

Jina Ragland, AARP Nebraska

Opponent: None

Neutral: None

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Ben Hansen, Chairperson

