

FREDRICKSON: Welcome to the Health and Human Services Committee. I am Senator John Fredrickson, representing Legislative District 20, and I serve as vice chair of the committee. The committee will take up the bills in the order posted. This public hearing today is your opportunity to be part of the legislative process and to express your position on the proposed legislation before us. If you're planning to testify today, please fill out one of the green testifier sheets that are on the table at the back of the room. Please be sure to print clearly and fill it out completely. Please move to the front row to be ready to testify. When it is your turn to come forward, give the testifier sheet to the page. If you do not wish to testify but would like to indicate your position on a bill, there are also yellow sign-in sheets back on the table for each bill. These sheets will be included as an exhibit in the official hearing record. When you come up to testify, please speak clearly into the microphone, tell us your name, and spell your first and last name to ensure we get an accurate record. We will begin each bill hearing today with the introducer's opening statement, followed by proponents of the bill, then opponents, and finally, by anyone speaking in the neutral capacity. We will finish with a closing statement by the introducer, if they wish to give one. We will be using a three-minute light system for all testifiers. When you begin your testimony, the light on the table will be green. When the light-- when the yellow light comes on, you have one minute remaining, and the red light indicates your time has finished. Questions from the committee may follow, which do not count against your time. Also, committee members may come and go during the hearing. This has nothing to do with the importance of the bill being heard; it is just part of the process, as senators may have bills to introduce in other committees. A few final items to facilitate today's hearing. If you have handouts or copies of your testimony, please bring up at least 12 copies and give them to a page. Please note that thumb drives, CDs, DVDs, oversized documents, books, lists of signatures, and similar items will not be accepted as exhibits for the record. Props, charts, or other visual aids cannot be used simply because they cannot be transcribed. Please silence or turn off your cell phones. Verbal outbursts or "applauses" are not permitted in the hearing room; such behavior may cause for you to be asked to leave the hearing. Finally, committee procedures for all committees state that written position comments on a bill to be included in the record must be submitted by 8 a.m. on the day of the hearing. The only acceptable method of submission is via the Legislature's website at nebraskalegislature.gov. Written position letters will be

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included in the official hearing record, but only those testifying in person before the committee will be included on the committee statement. You may submit a position comment for the record or testify in person, not both. I will now have committee members with us today introduce themselves, starting on my left.

RIEPE: I'm Merv Riepe. I represent District 12, which is the Millard, Omaha area, along with the fine little town of Ralston.

G. MEYER: Glen Meyer. I represent District 17. That would be Dakota, Thurston, Wayne, and the southern part of Dixon County.

QUICK: Dan Quick, District 35: Grand Island.

FREDRICKSON: Also assisting the committee today, to my left is our research analyst, Bryson Bartels, and to my far left is our committee clerk, Barb Dorn. And our pages for the committee today are--

SYDNEY COCHRAN: Hello. I'm Sydney, and I study history at UNL.

DEMET GEDIK: Hi, my name's Demet Gedik. I study political science, and I'm a senior at UNL.

FREDRICKSON: Today's agenda is posted outside the hearing room. With that, we will begin today's hearing with AM2642 to LB912.

TURNER ADAMS: Good afternoon, Vice Chair Fredrickson and members of the Health and Human Services Committee. For the record, my name is Turner Adams, spelled T-u-r-n-e-r A-d-a-m-s. I am the legislative aide to State Senator Barry DeKay, who represents District 40 in northeast Nebraska. I'm here today on behalf of Senator DeKay to introduce AM2642 to LB912. AM2642 would add into LB912 the provisions of LB796 as such bill was amended by AM2328. LB796 as amended by AM2328 was brought to this committee to address an issue that arose between DHHS and the rural pharmacy in Senator DeKay's district regarding the authority of such pharmacy to prevent patients to pick up their prescriptions in person at a third-party health care facility, such as a hospital. Specifically, AM2642 would clarify that individuals who are employed by a third-party health care facility will dispense drugs and devices that are delivered from a pharmacy to be picked up by a patient or care-- caregiver as requested by the patient are not considered to be engaging in the practice of

pharmacy, if the following specific criteria are met. A) the drug or device has been prepaid by the patient or caregiver; B) the dispensing pharmacist has offered patient counseling either prior to or at the time of dispensing; C) the drug or device is 1) maintained in the packaging as received from the dispensing pharmacy and stored in accordance with the manufacturer's recommendations; and 2) kept in a separate area from other drugs or devices held by the health care facility, such as possibly in a clearly-designated secure cabinet or fridge; D) the drug or device being delivered is not a controlled substance; E) a drug or device that is not picked up within 30 days after delivery is donated or destroyed by the health care facility, or returned to the pharmacy, and is not eligible for a refund of any amount paid; F) the health care facility has implemented a written policy relating to the donation or destruction of a drug or a device that is not picked up by a patient or caregiver within 30 days after the delivery of the facility; and G) the health care facility maintains documentation of the delivery of a drug or device under this subsection, including the date received, the name of the pharmacy, the name of the patient, the signature and printed name of the individual picking up the drug or device, the date it was picked up, and the date of donation, destruction, or return to a pharmacy. The amendment also makes clear that a healthcare facility other than a pharmacy acting in accordance with this amendment shall not be liable for the contents of a drug or advice delivered to a patient, and that the decision to accept a drug or a device for delivery to a patient rests solely with the receiving facility, facility. DHHS, with the recommendation of the pharmacy board, would then have the authority to promulgate rules and regulations to implement this measure. Again, there is a critical shortage of rural pharmacies. With this issue in mind, we need to be creative in how we look at access. In rural Nebraska, a pharmacy may be two hours away round trip, but there may be a good quality health care facility that is much closer and willing to let people pick up their prescription in person at their location. There are many people living in rural Nebraska who now struggle to drive long distances. This can be really concerning for the elderly, and especially during times when there are adverse weather conditions but people still need to get their prescriptions. Allowing people to pick up prescriptions at a closer third-party health care facility can be a way to help alleviate some access issues that we have to accessing pharmacies in [INAUDIBLE] Nebraska. With that, on behalf of Senator DeKay, we want to thank the Niobrara Valley Hospital, O'Neill Pharmacy, the Nebraska Pharmacists Association, DHHS,

and this committee for working through this amendment, and we hope for your continued support. Thank you.

FREDRICKSON: Thank you, Turner. We will now hear from proponents for AM2642 to LB912. Welcome.

RYAN McINTOSH: Good afternoon, Vice Chair Fredrickson, members of the committee. My name is Ryan McIntosh, R-y-a-n M-c-I-n-t-o-s-h, and I appear before you today on behalf of the Nebraska Pharmacists Association to testify in support of AM2642. Being handed out right now is the exact same handout I gave you on the hearing on LB796. Any opportunity I can to get in front of this committee and talk about the growing pharmacy desert in Nebraska, I will do so. This may seem like a very small measure or insignificant, but this is a huge issue for people in the communities across Nebraska like Lynch that can be several hours away from the nearest pharmacy. So, we appreciate the tireless work of Turner on this bill, and Senator DeKay, as well as the collaboration of the Department of Health and Human Services in getting this to where it is, to hopefully be an easy amendment to put onto LB912 on Select File. I thank you for your time and attention, and I'd be happy to answer any questions.

FREDRICKSON: Thank you for your testimony. Are there questions from the committee? Seeing none.

RYAN McINTOSH: Thank you.

FREDRICKSON: Thank you for being here. Other proponents? Seeing none. Is there anyone here to testify in the opposition? Seeing none. Is there anyone here to testify in the neutral capacity? Welcome.

TIMOTHY TESMER: Thank you. Good afternoon, Vice Chair Fredrickson, and members of the Health and Human Services Committee. My name is Dr. Timothy Tesmer, T-i-m-o-t-h-y T-e-s-m-e-r, and I am the Chief Medical Officer of the State of Nebraska, working within the Division of Public Health in the Department of Health and Human Services, DHHS. I'm here to testify in a neutral capacity for AM2642 to LB912. AM2642 increases prescription accessibility for Nebraska consumers and their caregivers by allowing them to pick up certain drugs or devices from a consenting health care facility rather than requiring them to drive a distance to their nearest pharmacy. The language maintains health and safety guardrails. The

department appreciates Senator DeKay's-- DeKay bringing this issue to our attention last fall, and taking our feedback into consideration when crafting a solution. Thank you for your time. I would be happy to answer any questions on this amendment.

FREDRICKSON: Thank you testimony. Are there questions from the committee? Seeing none. Thank you for being here.

TIMOTHY TESMER: Thank you.

FREDRICKSON: Anyone else here to testify in the neutral capacity? Seeing none. We had no online comments for AM2642 to LB912, and that will conclude our hearing. Thank you.