

LEGISLATURE OF NEBRASKA
ONE HUNDRED THIRD LEGISLATURE
FIRST SESSION
LEGISLATIVE BILL 528

Final Reading

Introduced by Howard, 9; Campbell, 25; Conrad, 46; McGill, 26.

Read first time January 23, 2013

Committee: Health and Human Services

A BILL

1 FOR AN ACT relating to public health; to amend section 71-503.01,
2 Reissue Revised Statutes of Nebraska; to provide for
3 treatment relating to certain sexually transmitted
4 diseases as prescribed; to provide for rules and
5 regulations; to provide for confidentiality and
6 exemptions as prescribed; to harmonize provisions; and to
7 repeal the original section.
8 Be it enacted by the people of the State of Nebraska,

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

1 sufficient locating information.

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

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

7 71-503.01 (1) Whenever any statute of the state, any
8 ordinance or resolution of a municipal corporation or political
9 subdivision enacted pursuant to statute, or any rule or regulation of
10 an administrative agency adopted and promulgated pursuant to statute
11 ~~requires~~ allows medical practitioners or other persons to prescribe,
12 provide, or dispense prescription drugs pursuant to sections 1 and 2
13 of this act or requires medical practitioners or other persons to
14 report cases of communicable diseases, including sexually transmitted
15 diseases and other reportable diseases, illnesses, or poisonings or
16 to give notification of positive laboratory findings to the
17 Department of Health and Human Services or any county or city board
18 of health, local public health department established pursuant to
19 sections 71-1626 to 71-1636, city health department, local health
20 agency, or state or local public official exercising the duties and
21 responsibilities of any board of health or health department, such
22 reports or notifications and the resulting investigations and such
23 prescription, provision, or dispensing of prescription drugs and
24 records pertaining thereto shall be confidential except as provided
25 in this section, shall not be subject to subpoena, and shall be

1 privileged and inadmissible in evidence in any legal proceeding of
2 any kind or character and shall not be disclosed to any other
3 department or agency of the 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 of
10 the United States Department of Health and Human Services or its
11 successor in such a manner as to ensure that the identity of any
12 individual cannot be ascertained except as required for delivery of
13 such prescription drugs pursuant to sections 1 and 2 of this act. To
14 further protect the public health, the Department of Health and Human
15 Services, the official local health department, and the person making
16 the report or notification may disclose to the official state and
17 local health departments of other states, territories, and the
18 District of Columbia such reports and notifications, including
19 sufficient identification and information so as to ensure that such
20 investigations as deemed necessary are made.

21 (3) The appropriate board, health department, agency, or
22 official may: ~~(1) —(a)~~ Publish analyses of such reports and
23 information reports, information, and the notifications described in
24 subsection (1) of this section for scientific and public health
25 purposes in such a manner as to ensure that the identity of any

1 individual concerned cannot be ascertained; ~~(2)~~(b) discuss the
2 report or notification with the attending physician; and ~~(3)~~(c) make
3 such investigation as deemed necessary.

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

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