

LEGISLATURE OF NEBRASKA  
ONE HUNDRED FIFTH LEGISLATURE  
FIRST SESSION

**LEGISLATIVE BILL 642**

Introduced by Krist, 10.

Read first time January 18, 2017

Committee: Health and Human Services

- 1 A BILL FOR AN ACT relating to prescription drug monitoring; to amend
- 2 section 71-2454, Revised Statutes Cumulative Supplement, 2016; to
- 3 change requirements for veterinarians; to harmonize provisions; and
- 4 to repeal the original section.
- 5 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 71-2454, Revised Statutes Cumulative Supplement,  
2 2016, is amended to read:

3 71-2454 (1) An entity described in section 71-2455 shall establish a  
4 system of prescription drug monitoring for the purposes of (a) preventing  
5 the misuse of controlled substances that are prescribed and (b) allowing  
6 prescribers and dispensers to monitor the care and treatment of patients  
7 for whom such a prescription drug is prescribed to ensure that such  
8 prescription drugs are used for medically appropriate purposes and that  
9 the State of Nebraska remains on the cutting edge of medical information  
10 technology.

11 (2) Such system of prescription drug monitoring shall be implemented  
12 as follows: Except as provided in subsection (4) of this section,  
13 beginning January 1, 2017, all dispensed prescriptions of controlled  
14 substances shall be reported; and except as provided in subsection (4) of  
15 this section, beginning January 1, 2018, all prescription information  
16 shall be reported to the prescription drug monitoring system. The  
17 prescription drug monitoring system shall include, but not be limited to,  
18 provisions that:

19 (a) Prohibit any patient from opting out of the prescription drug  
20 monitoring system;

21 (b) Require all prescriptions dispensed in this state or to an  
22 address in this state to be entered into the system by the dispenser or  
23 his or her designee daily after such prescription is dispensed, including  
24 those for patients paying cash for such prescription drug or otherwise  
25 not relying on a third-party payor for payment for the prescription drug;

26 (c) Allow all prescribers or dispensers of prescription drugs to  
27 access the system at no cost to such prescriber or dispenser; and

28 (d) Ensure that such system includes information relating to all  
29 payors, including, but not limited to, the medical assistance program  
30 established pursuant to the Medical Assistance Act.

31 Dispensers may begin on February 25, 2016, to report dispensing of

1 prescriptions to the entity described in section 71-2455 which is  
2 responsible for establishing the system of prescription drug monitoring.

3 (3) Prescription information that shall be submitted electronically  
4 to the prescription drug monitoring system shall be determined by the  
5 entity described in section 71-2455 and shall include, but not be limited  
6 to:

7 (a) The patient's name, address, and date of birth;

8 (b) The name and address of the pharmacy dispensing the  
9 prescription;

10 (c) The date the prescription is issued;

11 (d) The date the prescription is filled;

12 (e) The name of the drug dispensed or the National Drug Code number  
13 as published by the federal Food and Drug Administration of the drug  
14 dispensed;

15 (f) The strength of the drug prescribed;

16 (g) The quantity of the drug prescribed and the number of days'  
17 supply; and

18 (h) The prescriber's name and National Provider Identifier number or  
19 Drug Enforcement Administration number when reporting a controlled  
20 substance.

21 (4) Beginning January 1, 2019 ~~2018~~, a veterinarian licensed under  
22 the Veterinary Medicine and Surgery Practice Act shall be required to  
23 report a dispensed prescription of controlled substances listed on  
24 Schedule II, Schedule III, or Schedule IV pursuant to section 28-405.

25 (5) All prescription drug information submitted pursuant to this  
26 section, all data contained in the prescription drug monitoring system,  
27 and any report obtained from data contained in the prescription drug  
28 monitoring system are not public records and may be withheld pursuant to  
29 section 84-712.05.

30 (6) For purposes of this section:

31 (a) Designee means any licensed or registered health care

1 professional designated by a dispenser to act as an agent of the  
2 dispenser for purposes of submitting or accessing data in the  
3 prescription drug monitoring system and who is directly supervised by  
4 such dispenser;

5 (b) Dispenser means a person authorized in the jurisdiction in which  
6 he or she is practicing to deliver a prescription to the ultimate user by  
7 or pursuant to the lawful order of a prescriber but does not include (i)  
8 the delivery of such prescription drug for immediate use for purposes of  
9 inpatient hospital care or emergency department care, (ii) the  
10 administration of a prescription drug by an authorized person upon the  
11 lawful order of a prescriber, (iii) a wholesale distributor of a  
12 prescription drug monitored by the prescription drug monitoring system,  
13 or (iv) through December 31, 2018 ~~2017~~, a veterinarian licensed under the  
14 Veterinary Medicine and Surgery Practice Act when dispensing  
15 prescriptions for animals in the usual course of providing professional  
16 services; and

17 (c) Prescriber means a health care professional authorized to  
18 prescribe in the profession which he or she practices.

19 Sec. 2. Original section 71-2454, Revised Statutes Cumulative  
20 Supplement, 2016, is repealed.