

LEGISLATURE OF NEBRASKA
ONE HUNDRED EIGHTH LEGISLATURE
FIRST SESSION

LEGISLATIVE BILL 611

Introduced by Riepe, 12.

Read first time January 17, 2023

Committee: Health and Human Services

- 1 A BILL FOR AN ACT relating to the Health Care Facility Licensure Act; to
- 2 amend section 71-475, Reissue Revised Statutes of Nebraska; to
- 3 provide requirements for health care facility-provided medications;
- 4 and to repeal the original section.
- 5 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 71-475, Reissue Revised Statutes of Nebraska, is
2 amended to read:

3 71-475 (1)(a) When administration of a drug occurs in a hospital
4 pursuant to a chart order, hospital personnel may provide the unused
5 portion of the drug to the patient upon discharge from the hospital for
6 continued use in treatment of the patient if:

7 (i) The drug has been opened and used for treatment of the patient
8 at the hospital and is necessary for the continued treatment of the
9 patient and would be wasted if not used by the patient; and

10 (ii) The drug is:

11 (A) In a multidose device or a multidose container; or

12 (B) In the form of a liquid reconstituted from a dry stable state to
13 a liquid resulting in a limited stability.

14 (b) A drug provided to a patient in accordance with this subsection
15 shall be labeled with the name of the patient, the name of the drug
16 including the quantity if appropriate, the date the drug was provided,
17 and the directions for use.

18 (2)(a) A licensed health care practitioner authorized to prescribe
19 controlled substances may provide to his or her patients being discharged
20 from a hospital a sufficient quantity of drugs adequate, in the judgment
21 of the practitioner, to continue treatment, which began in the hospital,
22 until the patient is reasonably able to access a pharmacy.

23 (b) The pharmacist-in-charge at the hospital shall maintain records
24 of the drugs provided to patients in accordance with this subsection
25 which shall include the name of the patient, the name of the drug
26 including the quantity if appropriate, the date the drug was provided,
27 and the directions for use.

28 (3) If a drug is provided to a patient in accordance with this
29 section:

30 (a) The drug shall be kept in a locked cabinet or automated
31 medication system with access only by a licensed health care practitioner

1 authorized to prescribe, dispense, or administer controlled substances;

2 (b) Prior to providing the drug to the patient, a written or
3 electronic order shall be in the patient's record;

4 (c) The process at the hospital shall be under the direct
5 supervision of the prescriber;

6 (d) If the label is prepared by a nurse, the prescriber shall verify
7 the drug and the directions for the patient;

8 (e) When possible, the directions for the patient shall be
9 preprinted on the label by the pharmacist;

10 (f) The label shall include the name of the patient, the name of the
11 drug including the quantity if appropriate, the date the drug was
12 provided, and the directions for use;

13 (g) A written information sheet shall be given to the patient for
14 each drug provided; and

15 (h) Documentation in a readily retrievable format shall be
16 maintained each time a drug is provided to a patient from the hospital
17 pharmacy's inventory which shall include the date, the patient, the drug,
18 and the prescriber.

19 (4)(a) When a health care facility-provided medication is ordered at
20 least twenty-four hours in advance for surgical procedures and is
21 administered to a patient at the health care facility, any unused portion
22 of the medication shall be offered to the patient upon discharge when it
23 is required for continuing treatment. Such medication shall be labeled
24 consistent with labeling requirements in section 71-2479.

25 (b) For purposes of this subsection, health care facility-provided
26 medication means any topical antibiotic, anti-inflammatory, dilation, or
27 glaucoma drop or ointment that a health care facility has on stand-by or
28 is retrieved from a dispensing system for a specified patient for use
29 during a procedure or visit.

30 (c) If the health care facility-provided medication is used in an
31 operating room or emergency department setting, the prescriber is

1 responsible for counseling the patient on its proper use and
2 administration, and no other patient counseling is required under section
3 38-2869.

4 Sec. 2. Original section 71-475, Reissue Revised Statutes of
5 Nebraska, is repealed.