

AMENDMENTS TO LB1211

Introduced by Health and Human Services.

1 1. Strike the original sections and insert the following new
2 sections:

3 **Section 1.** Section 71-2444, Reissue Revised Statutes of Nebraska, is
4 amended to read:

5 71-2444 Sections 71-2444 to 71-2452 and section 4 of this act shall
6 be known and may be cited as the Automated Medication Systems Act.

7 **Sec. 2.** Section 71-2445, Reissue Revised Statutes of Nebraska, is
8 amended to read:

9 71-2445 For purposes of the Automated Medication Systems Act:

10 (1) Automated medication distribution machine means a type of
11 automated medication system that stores medication to be administered to
12 a patient by a person credentialed under the Uniform Credentialing Act;

13 (2) Automated medication system means a mechanical system that
14 performs operations or activities, other than compounding,
15 administration, or other technologies, relative to storage and packaging
16 for dispensing or distribution of medications and that collects,
17 controls, and maintains all transaction information and includes, but is
18 not limited to, a prescription medication distribution machine or an
19 automated medication distribution machine. An automated medication system
20 may only be used in conjunction with the provision of pharmacist care.
21 Automated medication system does not include an automated pickup kiosk;

22 (3) Automated pickup kiosk means a secure, automated storage and
23 retrieval device operated by a licensed pharmacy for the purpose of
24 releasing prescription medication, other than controlled substances, to a
25 patient or a caregiver and does not include an automated medication
26 system;

27 (4) {3} Chart order means an order for a drug or device issued by a

1 practitioner for a patient who is in the hospital where the chart is
2 stored, for a patient receiving detoxification treatment or maintenance
3 treatment pursuant to section 28-412, or for a resident in a long-term
4 care facility in which a long-term care automated pharmacy is located
5 from which drugs will be dispensed. Chart order does not include a
6 prescription;

7 (5) ~~(4)~~ Hospital has the definition found in section 71-419;

8 (6) ~~(5)~~ Long-term care automated pharmacy means a designated area in
9 a long-term care facility where an automated medication system is
10 located, that stores medications for dispensing pursuant to a medical
11 order to residents in such long-term care facility, that is installed and
12 operated by a pharmacy licensed under the Health Care Facility Licensure
13 Act, and that is licensed under section 71-2451;

14 (7) ~~(6)~~ Long-term care facility means an intermediate care facility,
15 an intermediate care facility for persons with developmental
16 disabilities, a long-term care hospital, a mental health substance use
17 treatment center, a nursing facility, or a skilled nursing facility, as
18 such terms are defined in the Health Care Facility Licensure Act;

19 (8) ~~(7)~~ Medical order means a prescription, a chart order, or an
20 order for pharmaceutical care issued by a practitioner;

21 (9) ~~(8)~~ Pharmacist means any person who is licensed by the State of
22 Nebraska to practice pharmacy;

23 (10) ~~(9)~~ Pharmacist care means the provision by a pharmacist of
24 medication therapy management, with or without the dispensing of drugs or
25 devices, intended to achieve outcomes related to the cure or prevention
26 of a disease, elimination or reduction of a patient's symptoms, or
27 arresting or slowing of a disease process;

28 (11) ~~(10)~~ Pharmacist remote order entry means entering an order into
29 a computer system or drug utilization review by a pharmacist licensed to
30 practice pharmacy in the State of Nebraska and located within the United
31 States, pursuant to medical orders in a hospital, long-term care

1 facility, or pharmacy licensed under the Health Care Facility Licensure
2 Act;

3 (12) Pharmacy has the same meaning as defined in section 71-425;

4 (13) {11} Practice of pharmacy has the definition found in section
5 38-2837;

6 (14) {12} Practitioner means a certified registered nurse
7 anesthetist, a certified nurse midwife, a dentist, an optometrist, a
8 nurse practitioner, a physician assistant, a physician, a podiatrist, or
9 a veterinarian;

10 (15) {13} Prescription means an order for a drug or device issued by
11 a practitioner for a specific patient, for emergency use, or for use in
12 immunizations. Prescription does not include a chart order;

13 (16) {14} Prescription medication distribution machine means a type
14 of automated medication system that packages, labels, or counts
15 medication in preparation for dispensing of medications by a pharmacist
16 pursuant to a prescription; and

17 (17) {15} Telepharmacy means the provision of pharmacist care, by a
18 pharmacist located within the United States, using telecommunications,
19 remote order entry, or other automations and technologies to deliver care
20 to patients or their agents who are located at sites other than where the
21 pharmacist is located.

22 **Sec. 3.** Section 71-2447, Reissue Revised Statutes of Nebraska, is
23 amended to read:

24 71-2447 Any health care facility authorized to use hospital, long-
25 term care facility, or pharmacy that uses an automated medication system
26 or an automated pickup kiosk shall develop, maintain, and comply with
27 policies and procedures developed in consultation with the pharmacist
28 responsible for pharmacist care for that hospital, long-term care
29 facility, or pharmacy. At a minimum, the policies and procedures shall
30 address the following:

31 (1) The description and location within or at the hospital, long-

1 ~~term care facility , or pharmacy~~ of the automated medication system or
2 automated pickup kiosk or the equipment being used;

3 (2) The name of the pharmacist responsible for implementation of,
4 and compliance with, ~~the~~ policies and procedures;

5 (3) Medication access and information access procedures;

6 (4) Security of inventory and confidentiality of records in
7 compliance with state and federal laws, rules, and regulations;

8 (5) A description of the process used by a pharmacist or pharmacy
9 technician for filling an automated medication system or an automated
10 pickup kiosk;

11 (6) A description of how, and by whom, the automated medication
12 system or automated pickup kiosk is being utilized, including processes
13 for verifying, dispensing, and distributing medications;

14 (7) Staff education and training;

15 (8) Quality assurance and quality improvement programs and
16 processes;

17 (9) Inoperability or emergency downtime procedures;

18 (10) Periodic system maintenance; and

19 (11) Medication security and controls.

20 **Sec. 4.** (1) In order for an automated pickup kiosk to be operated
21 by, or under the authority of, a pharmacy located in Nebraska and
22 licensed under the Health Care Facility Licensure Act, the pharmacist in
23 charge of the licensed pharmacy shall annually license the automated
24 pickup kiosk. An automated pickup kiosk may be operated in connection
25 with a licensed pharmacy if it is located on property owned or leased by
26 the pharmacy or a hospital, a facility operated by a hospital, a health
27 clinic as defined in section 71-416, a health care practitioner facility
28 as defined in section 71-414, or a rural emergency hospital as defined in
29 section 71-428.01 within which the licensed pharmacy operates, whether
30 placed within the interior of the building or affixed to, or situated on,
31 the exterior of the building or property.

1 (2) The pharmacist in charge of a licensed pharmacy shall submit an
2 application for licensure or renewal of licensure to the Division of
3 Public Health of the Department of Health and Human Services with a fee
4 in an amount determined by the Board of Pharmacy, not to exceed fifty
5 dollars. The application shall include:

6 (a) The name and location of the licensed pharmacy;

7 (b) The physical location of the automated pickup kiosk; and

8 (c) The name of the pharmacist in charge of the licensed pharmacy.

9 (3) As part of the application process, the division shall conduct
10 an inspection of the automated pickup kiosk by a pharmacy inspector as
11 provided in section 38-28,101. The division shall also conduct
12 inspections of the operation of the automated pickup kiosk as necessary.

13 (4) The division shall license an automated pickup kiosk which meets
14 the licensure requirements of this section.

15 (5) A pharmacist in charge of a licensed pharmacy shall apply for a
16 separate license for each location at which it operates one or more
17 automated pickup kiosks. The licensed pharmacy shall be the provider
18 pharmacy for the automated pickup kiosk.

19 (6) The pharmacist in charge of the licensed pharmacy operating an
20 automated pickup kiosk shall:

21 (a) Identify a pharmacist responsible for the operation,
22 supervision, and development of policies and procedures for the automated
23 pickup kiosk. Compliance with this subdivision shall be sufficient if the
24 pharmacist monitors the automated pickup kiosk electronically and keeps
25 records of compliance with this requirement for a period of five years;

26 (b) Implement the policies and procedures developed to comply with
27 section 71-2447;

28 (c) Assure compliance with the prescription drug storage and record-
29 keeping requirements of the Pharmacy Practice Act;

30 (d) Assure compliance with the labeling requirements described in
31 subsection (7) of this section;

1 (e) Develop and implement policies for the verification of a
2 prescription drug by a pharmacist prior to being loaded into an automated
3 pickup kiosk or for the verification of a prescription drug by a
4 pharmacist prior to being released to a patient or caregiver; and

5 (f) Assure that each prescription drug is reviewed by a pharmacist
6 prior to the release of a drug by an automated pickup kiosk.

7 (7) Each prescription drug dispensed from an automated pickup kiosk
8 shall meet the labeling requirements applicable to prescription drugs
9 dispensed by a licensed pharmacist pursuant to section 71-2479.

10 (8) An automated pickup kiosk shall not dispense or make available
11 prescription medication to a patient or caregiver unless pharmacist care
12 has been offered and made available in a manner consistent with section
13 38-2869.

14 (9) An automated pickup kiosk that is located outside a fully
15 enclosed building shall not be placed in a manner that exposes
16 medications to adverse environmental conditions or to security risks,
17 unless the Board of Pharmacy determines, through rule or case-specific
18 approval, that the automated pickup kiosk employs environmental controls
19 and physical security measures sufficient to protect medication integrity
20 and prevent diversion.

21 (10) An automated pickup kiosk operated in accordance with this
22 section shall not store, dispense, or otherwise make available a
23 controlled substance as defined in section 28-401 or federal law except
24 an automated pickup kiosk operated by, or under the authority of, a
25 hospital pharmacy as defined in section 71-419.01 and that is located in
26 the hospital or facility operated by a hospital.

27 (11) This section does not apply to a long-term care automated
28 pharmacy or an automated medication system operated in a long-term care
29 facility under section 71-2451.

30 **Sec. 5.** Original sections 71-2444, 71-2445, and 71-2447, Reissue
31 Revised Statutes of Nebraska, are repealed.