

**ONE HUNDREDTH LEGISLATURE - SECOND SESSION -  
2008**

**CORRECTED COMMITTEE STATEMENT**

**LB928**

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**Hearing Date:** February 06, 2008

**Committee On:** Health and Human Services

**Introducer(s):** (Johnson)

**Title:** Repeal the Hepatitis C Education and Prevention Act

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**Roll Call Vote - Final Committee Action:**

Placed on General File with Amendments

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**Vote Results:**

7 Yes	Senators Erdman, Gay, Hansen, Howard, Johnson, Pankonin, Stuthman
0 No	
0 Absent	
0 Present, not voting	

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**Proponents:**

Senator Johnson  
Dr. Joann Schaefer

**Representing:**

Introducer  
Nebraska Department of Health and Human  
Services

**Opponents:**

**Representing:**

**Neutral:**

**Representing:**

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**Summary of purpose and/or change:**

LB 928 outright repeals the Hepatitis C Education and Prevention Act (Neb. Rev. Stat. §71-545 to §71-550). The act terminated on December 31, 2007.

**Explanation of amendments, if any:**

The committee amendment (AM 2435) adds provisions of five other bills heard by the Health and Human Services Committee and advanced to General File by the committee:

**1. LB 738 (Fulton) Change brain injury registry notification and reporting requirements.**

LB 738, as amended by the committee, is primarily a technical redrafting of current brain injury registry statutes. The amendment requires the department, within thirty days after receiving a report of a brain or head injury, to provide “relevant and timely information to the person with such injury to assist such person in accessing necessary and appropriate services relating to such injury.”

The department may develop the information or utilize information developed by other sources and approved by department. The department may provide the information directly or contract with an appropriate entity to facilitate the provision of the information.

Costs associated with providing the information must be paid from cash funds, gifts, and grants. No general funds may be used. The department will not be required to provide the information if sufficient funding is unavailable.

The amendment requires that hospitals or rehabilitation centers report to the department within 30 days of the discharge of any person admitted to such facility for treatment of a brain or head injury.

**2. LB 759 (Hudkins) Change provisions relating to relabeling and redispensing prescription drugs.**

LB 759, as amended by the committee, provides that prescription drugs delivered to a correctional facility or jail for administration to a patient at such facility or jail pursuant to a valid prescription, but are not dispensed or administered to the patient, may be returned to a pharmacist or pharmacy under contract with the facility for relabeling and redispensing to another patient at such facility pursuant to a valid prescription.

Exceptions are provided: (1) the decision to accept return of the drug or device rests solely with the contracting pharmacist or pharmacy, (2) the drug or device must have been properly stored and in the control of the correctional facility or jail at all times, (3) the drug or device must be in its original and unopened labeled container dispensed by the pharmacist or pharmacy with a tamper-evident seal intact, and bear the expiration date or calculated expiration date and lot number, and (4) the relabeling and redispensing is not otherwise prohibited by law.

The Jail Standards Board, in consultation with the Board of Pharmacy, is required to adopt and promulgate rules and regulations applicable to correctional facilities to carry out the bill. The amendment provides immunity for persons or entities

which exercise reasonable care in accepting, distributing, or dispensing drugs under the bill.

This portion of the amendment has an operative date of December 1, 2008.

3. **LB 796** (Johnson) Change medical radiography and radiation control provisions

LB 796 was requested by the Department of Health and Human Service and changes provisions of the Radiation Control Act. The bill, as amended by the committee, creates a new licensure category of "limited computed tomography radiographer." It permits licensed medical radiographers to utilize computed tomography. It provides for the licensure of limited computed tomography radiographers. An applicant for such licensure must (a) Complete an application in accordance with the Uniform Credentialing Act; (b) Be certified by (i) the Nuclear Medicine Technology Certification Board or (ii) the American Registry of Radiologic Technologists in nuclear medicine technology; and (c) Be certified by the American Registry of Radiologic Technologists in computed tomography.

The amendment permits a nuclear medicine technologist who meets the requirements for training and experience for nuclear medical technology under the Radiation Control Act to perform computed tomography without being licensed under the Medical Radiography Practice Act if their practice is limited to X-rays produced by a combination nuclear medicine-computed tomography system and administered as an integral part of a nuclear medicine procedure that uses a computed tomography protocol for purposes of attenuation correction and anatomical localization only and if the nuclear medicine technologist has received documented device-specific training on the combination nuclear medicine-computed tomography system as prescribed by rules and regulations adopted and promulgated by the department.

The amendment permits students enrolled and participating in an educational program in nuclear medicine technology who, as part of the educational program, to apply X-rays to humans using a computed tomography system while under the supervision of the licensed practitioners, medical radiographers, or limited computed tomography radiographers associated with the educational program.

The amendment provides for the issuance of temporary limited computed tomography radiographer license to persons registered by the Nuclear Medicine Technology Certification Board or the American Registry of Radiologic Technologists. Temporary limited computed tomography radiographer licenses expire twenty-four months after issuance and may not be renewed. Persons licensed as temporary limited computed tomography radiographers are permitted to perform medical radiography restricted to computed tomography while under the direct supervision and in the physical presence of licensed practitioners, medical radiographers, or limited computed tomography radiographers.

The amendment deletes references to radon measurement technician and radon mitigation technician licenses but retains licensure for radon measurement specialists and radon mitigation specialists. Recent changes to the Radon Program rules and regulations have made the technician and specialist licenses indistinguishable. The bill provides that a person licensed as a radon measurement technician will be deemed to be licensed as a measurement specialist until the next licensure renewal.

The amendment allows an application for registration under the act to be either in writing or by electronic means.

The amendment changes fees for registration and inspection of radiation generating equipment used to diagnose conditions in humans or animals from \$70 to \$400. The department is restricted in setting the fee to the recovery of its actual costs.

The amendment requires the department to adopt and promulgate rules and regulations for fingerprinting and a federal criminal background check of persons with unescorted access to “radionuclides of concern.” The rule and regulation mandate becomes operative with the emergency clause and terminates on December 1, 2008. All other sections of this portion of the amendment become operative three months after adjournment of the legislative session.

4. **LB 906** (Pankonin) Change provisions relating to laboratories regulated by the Department of Health and Human Services.

LB 906 changes fees that may be charged by the Department of Health and Human Services (department) for the certification and inspection of laboratories contacting with the department to conduct drinking water analyses.

The department is currently permitted to collect the following maximum annual fees: (1) for bacteriological examination agreements: \$150; (2) for inorganic chemical analyses agreements: \$100; (3) for heavy metal analyses agreements: \$200; (4) for organic chemical analyses agreements: \$200; and (5) for radiochemical analyses agreements: \$200.

LB 906 replaces the foregoing with the following laboratory certification fees: (1) an annual fee of no more than \$1,800 per laboratory, and (2) an inspection fee of no more than \$3,000 per certification period for each laboratory located in Nebraska.

Fees collected will be remitted to the State Treasurer for credit to the Health and Human Services Cash Fund.

5. **LB 1173** (Dierks) Provide for certification of animal therapists.

LB 1173, as amended by the committee, permits health care professionals credentialed under the Uniform Credentialing Act to consult with a licensed veterinarian contracted with or employed by an accredited zoological park or garden or perform collaborative animal health care tasks on a zoo animal under the care of a zoo veterinarian if all such tasks are performed under the immediate supervision of the zoo veterinarian. The amendment specifically authorizes such conduct under the Uniform Credentialing Act and provides that such conduct is not a part of nor is it a violation of the credentialed person’s scope of practice.

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Senator Joel Johnson, Chairperson