



One Hundred First Legislature - Second Session - 2010
Introducer's Statement of Intent
LB 866

Chairperson: Tim Gay
Committee: Health and Human Services
Date of Hearing: January 27, 2010

The following constitutes the reasons for this bill and the purposes which are sought to be accomplished thereby:

The purpose of LB 866 is to ensure that when a drug is dispensed or given to a patient it is dispensed in a manner that is most beneficial for the patient.

LB 866 primarily changes provisions in Neb. Rev. Stat. Section 38-2850 which outlines health care practitioners and practices that are “exempt” from the requirements of the Pharmacy Practice Act. LB 866 replaces “dispensing incident to practice” language for physicians, certified nurse midwives, certified registered nurse anesthetists, and nurse practitioners with requiring a dispensing practitioner permit for all practitioners transferring prescription drugs or devices beyond drug samples and other than by administering. To further clarify the requirements the bill defines drug sample and requires samples to be labeled as such. The bill defines “dispensing practitioner permit” stating that a practitioner with such a permit shall comply with all prospective drug utilization review, patient counseling, labeling, storage, recordkeeping, and physical plant standards. The facility may also be subject to inspection by a pharmacy inspector. It also provides for rulemaking and fee setting by HHS.

LB 866 cleans up language in 38-2850. The bill clarifies the section regarding drug manufacturer representatives providing sample medications and information to practitioners, updates provisions regarding veterinarians and optometrists, moves the section pertaining to hospital exemptions from section 38-2850 to section 71-436 which governs the licensure of hospitals.

Principal Introducer: _____
Senator Gwen Howard