

AMENDMENTS TO LB471

Introduced by Kuehn, 38.

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

3 Section 1. Section 71-2454, Revised Statutes Cumulative Supplement,
4 2014, is amended to read:

5 71-2454 ~~(1) An~~ ~~It is the intent of the Legislature that~~ an entity
6 described in section 71-2455 shall establish a system of prescription
7 drug monitoring for the purposes of ~~(a 1)~~ preventing the misuse of
8 controlled substances that are prescribed ~~in an efficient and cost-~~
9 ~~effective manner~~ and ~~(b 2)~~ allowing prescribers and dispensers ~~doctors~~
10 ~~and pharmacists~~ to monitor the care and treatment of patients for whom
11 such a prescription drug is prescribed to ensure that such prescription
12 drugs are used for medically appropriate purposes and that the State of
13 Nebraska remains on the cutting edge of medical information technology.

14 (2) Such system of prescription drug monitoring shall be implemented
15 beginning January 1, 2017, and shall include, but not be limited to,
16 provisions that:

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

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

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

26 (d) Ensure that such system includes information relating to all
27 payors, including, but not limited to, the medical assistance program

1 established pursuant to the Medical Assistance Act.

2 Dispensers may begin on the effective date of this act to report
3 dispensing of prescriptions to the entity described in section 71-2455
4 which is responsible for establishing the system of prescription drug
5 monitoring.

6 (3) Prescription information that shall be submitted electronically
7 to the prescription drug monitoring system shall include:

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

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

11 (c) The date the prescription is written;

12 (d) The date the prescription is filled;

13 (e) The name of the drug prescribed;

14 (f) The strength of the drug prescribed;

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

17 (h) The prescriber's name, address, and National Provider Identifier
18 number.

19 (4) A veterinarian licensed under the Veterinary Medicine and
20 Surgery Practice Act shall only be required to report prescription of
21 controlled substances from listed on Schedule II, Schedule III, or
22 Schedule IV pursuant to section 28-405.

23 (5) For purposes of this section:

24 (a) Designee means any licensed or registered health care
25 professional designated by a dispenser to act as an agent of the
26 dispenser for purposes of submitting or accessing data in the
27 prescription drug monitoring system and who is directly supervised by
28 such dispenser;

29 (b) Dispenser means a person authorized in the jurisdiction in which
30 he or she is practicing to deliver a prescription to the ultimate user by
31 or pursuant to the lawful order of a prescriber but does not include (i)

1 a licensed hospital pharmacy that distributes such prescription for the
2 purposes of inpatient hospital care or emergency department care for the
3 immediate use of a prescription, (ii) an authorized person who
4 administers a prescription upon the lawful order of a prescriber, or
5 (iii) a wholesale distributor of a prescription drug monitored by the
6 prescription drug monitoring system, and (iv) through December 31, 2017,
7 a veterinarian licensed under the Veterinary Medicine and Surgery
8 Practice Act when dispensing prescriptions for animals in the usual
9 course of providing professional services; and

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

12 Sec. 2. Original section 71-2454, Revised Statutes Cumulative
13 Supplement, 2014, is repealed.