

LEGISLATURE OF NEBRASKA
ONE HUNDRED FOURTH LEGISLATURE
SECOND SESSION

LEGISLATIVE BILL 567

FINAL READING

Introduced by Johnson, 23.

Read first time January 21, 2015

Committee: Health and Human Services

1 A BILL FOR AN ACT relating to pharmacies; to amend section 38-2871,
2 Revised Statutes Cumulative Supplement, 2014; to change provisions
3 relating to transfer of prescription refill information; to provide
4 for forwarding original prescriptions as prescribed; and to repeal
5 the original section.

6 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 38-2871, Revised Statutes Cumulative Supplement,
2 2014, is amended to read:

3 38-2871 (1) Original prescription information for any controlled
4 substances listed in Schedule III, IV, or V of section 28-405 and other
5 prescription drugs or devices not listed in section 28-405 may be
6 transferred between pharmacies for the purpose of refill dispensing on a
7 one-time basis, except that pharmacies electronically sharing accessing a
8 real-time, online data base may transfer up to the maximum refills
9 permitted by law and as authorized by the prescribing practitioner on the
10 prescription. Transfers are subject to the following:

11 (a 1) The transfer is communicated directly between two pharmacists
12 or pharmacist interns except when the pharmacies can use a real-time,
13 online data base;

14 (b 2) The transferring pharmacist or pharmacist intern indicates
15 void on the record of the prescription;

16 (c 3) The transferring pharmacist or pharmacist intern indicates on
17 the record of the prescription the name, the address, and, if a
18 controlled substance, the Drug Enforcement Administration number of the
19 pharmacy to which the information was transferred, the name of the
20 pharmacist or pharmacist intern receiving the information, the date of
21 transfer, and the name of the transferring pharmacist or pharmacist
22 intern;

23 (d 4) The receiving pharmacist or pharmacist intern indicates on the
24 record of the transferred prescription that the prescription is
25 transferred;

26 (e 5) The transferred prescription includes the following
27 information:

28 (i a) The date of issuance of the original prescription;

29 (ii b) The original number of refills authorized;

30 (iii c) The date of original dispensing;

31 (iv d) The number of valid refills remaining;

1 (v e) The date and location of last refill; and

2 (vi f) The name, the address, and, if a controlled substance, the
3 Drug Enforcement Administration number of the pharmacy from which the
4 transfer was made, the name of the pharmacist or pharmacist intern
5 transferring the information, the original prescription number, and the
6 date of transfer; and

7 (f 6) Both the original and transferred prescriptions must be
8 maintained by the transferring and receiving pharmacy for a period of
9 five years from the date of transfer.

10 (2) Nothing in this section shall prevent a pharmacist from
11 forwarding an original prescription for a noncontrolled substance to
12 another pharmacy at the request of the patient or the patient's
13 caregiver. An original prescription for a controlled substance shall not
14 be forwarded to another pharmacy unless permitted under 21 C.F.R.
15 1306.25.

16 Sec. 2. Original section 38-2871, Revised Statutes Cumulative
17 Supplement, 2014, is repealed.