

LEGISLATURE OF NEBRASKA  
ONE HUNDRED FOURTH LEGISLATURE  
FIRST SESSION

**LEGISLATIVE BILL 567**

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 sections 28-414.01 and
- 2 38-2871, Revised Statutes Cumulative Supplement, 2014; to permit
- 3 transfer of prescription information between pharmacies as
- 4 prescribed; to harmonize provisions; and to repeal the original
- 5 sections.
- 6 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 28-414.01, Revised Statutes Cumulative  
2 Supplement, 2014, is amended to read:

3 28-414.01 (1) Except as otherwise provided in this section or when  
4 administered directly by a practitioner to an ultimate user, a controlled  
5 substance listed in Schedule III, IV, or V of section 28-405 shall not be  
6 dispensed without a written, oral, or electronic medical order. Such  
7 medical order is valid for six months after the date of issuance.  
8 Original prescription information for any controlled substance listed in  
9 Schedule III, IV, or V of section 28-405 may be transferred between  
10 pharmacies for purposes of initial or refill dispensing pursuant to  
11 section 38-2871.

12 (2) A prescription for controlled substances listed in Schedule III,  
13 IV, or V of section 28-405 must contain the following information prior  
14 to being filled by a pharmacist or dispensing practitioner: (a) Patient's  
15 name and address, (b) name of the drug, device, or biological, (c)  
16 strength of the drug or biological, (d) dosage form of the drug or  
17 biological, if applicable, (e) quantity of the drug, device, or  
18 biological prescribed, (f) directions for use, (g) date of issuance, (h)  
19 number of refills, not to exceed five refills within six months after the  
20 date of issuance, (i) prescribing practitioner's name and address, and  
21 (j) Drug Enforcement Administration number of the prescribing  
22 practitioner. If the prescription is a written paper prescription, the  
23 paper prescription must contain the prescribing practitioner's manual  
24 signature. If the prescription is an electronic prescription, the  
25 electronic prescription must contain all of the elements in subdivisions  
26 (a) through (j) of this subsection, must be digitally signed, and must be  
27 transmitted to and received by the pharmacy electronically to meet all of  
28 the requirements of 21 C.F.R. 1311, as the regulation existed on January  
29 1, 2014, pertaining to electronic prescribing of controlled substances.

30 (3) A controlled substance listed in Schedule III, IV, or V of  
31 section 28-405 may be dispensed pursuant to a facsimile of a written,

1 signed paper prescription. The facsimile of a written, signed paper  
2 prescription shall serve as the original written prescription for  
3 purposes of this subsection and shall be maintained in accordance with  
4 subsection (2) of section 28-414.03.

5 (4) A prescription for a controlled substance listed in Schedule  
6 III, IV, or V of section 28-405 may be partially filled if (a) each  
7 partial filling is recorded in the same manner as a refilling, (b) the  
8 total quantity dispensed in all partial fillings does not exceed the  
9 total quantity prescribed, and (c) each partial filling is dispensed  
10 within six months after the prescription was issued.

11 Sec. 2. Section 38-2871, Revised Statutes Cumulative Supplement,  
12 2014, is amended to read:

13 38-2871 Original prescription information for any controlled  
14 substances listed in Schedule III, IV, or V of section 28-405 and other  
15 prescription drugs or devices not listed in section 28-405 may be  
16 transferred between pharmacies for the purpose of initial or refill  
17 dispensing on a one-time basis, except that pharmacies electronically  
18 accessing a real-time, online data base may transfer up to the maximum  
19 refills permitted by law and as authorized by the prescribing  
20 practitioner on the prescription. Transfers are subject to the following:

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

24 (2) The transferring pharmacist or pharmacist intern indicates void  
25 on the record of the prescription;

26 (3) The transferring pharmacist or pharmacist intern indicates on  
27 the record of the prescription the name, the address, and, if a  
28 controlled substance, the Drug Enforcement Administration number of the  
29 pharmacy to which the information was transferred, the name of the  
30 pharmacist or pharmacist intern receiving the information, the date of  
31 transfer, and the name of the transferring pharmacist or pharmacist

1 intern;

2 (4) The receiving pharmacist or pharmacist intern indicates on the  
3 record of the transferred prescription that the prescription is  
4 transferred;

5 (5) The transferred prescription includes the following information:

6 (a) The date of issuance of the original prescription;

7 (b) The original number of refills authorized;

8 (c) The date of original dispensing;

9 (d) The number of valid refills remaining;

10 (e) The date and location of last refill; and

11 (f) The name, the address, and, if a controlled substance, the Drug  
12 Enforcement Administration number of the pharmacy from which the transfer  
13 was made, the name of the pharmacist or pharmacist intern transferring  
14 the information, the original prescription number, and the date of  
15 transfer; and

16 (6) Both the original and transferred prescriptions must be  
17 maintained by the transferring and receiving pharmacy for a period of  
18 five years from the date of transfer.

19 Sec. 3. Original sections 28-414.01 and 38-2871, Revised Statutes  
20 Cumulative Supplement, 2014, are repealed.