

ONE HUNDRED SEVENTH LEGISLATURE - FIRST SESSION - 2021
COMMITTEE STATEMENT
LB583

Hearing Date: Friday February 05, 2021
Committee On: Health and Human Services
Introducer: Murman
One Liner: Require electronic prescriptions for controlled substances

Roll Call Vote - Final Committee Action:
Advanced to General File with amendment(s)

Vote Results:
Aye: 7 Senators Arch, Cavanaugh, M., Day, Hansen, B., Murman, Walz, Williams
Nay:
Absent:
Present Not Voting:

Oral Testimony:

Proponents:
Dave Murman
Rich Otto

Representing:
Introducer
Nebraska Retail Federation, Nebraska Grocery Industry Association, National Association of Chain Drug Stores

Opponents:

Representing:

Neutral:
Bob Hallstrom
Dexter Schrodt

Representing:
Nebraska Pharmacists Association
Nebraska Medical Association

Summary of purpose and/or changes:

LB 583 would amend the Uniform Controlled Substances Act [Neb. Rev. Stat. Sections 28-414 and 28-414.01], the Uniform Credentialing Act [Neb. Rev. Stat. Section 38-101], and the Pharmacy Practice Act [Neb. Rev. Stat. Sections 38-2870 and 38-2891].

LB 583 would mandate that all prescriptions of a Schedule II, III, IV, or V drug be electronically prescribed, from the prescriber to a pharmacy, in accordance with state law. It also enumerates the following exceptions:

- for veterinarians;
 - where e-prescribing is temporarily not available;
 - prescriptions to out-of-state pharmacies;
 - where the prescriber and dispenser are the same;
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- drugs including elements not supported by the National Council for the Prescription Drug Program (NCPDP) SCRIPT Standard;
- drugs including elements which the FDA says cannot be e-prescribed;
- a non-patient-specific prescription, with limitations;
- research protocol drugs;
- exceptional circumstances or hardships;
impracticality or delay;
- or drugs that require compounding;

A pharmacist who receives a written, oral or faxed prescription would not need to verify it fell into one of the above exceptions, and prescriber violations would not be grounds for disciplinary action under the UCA.

Explanation of amendments:

AM 116 would postpone the date for compliance for dentists until January 1, 2024.

It would remove new language stating 'The prescribers software vendor responsible for such transmission shall, for each controlled substance prescription that is transmitted electronically, report such prescription to the statewide health information exchange described in section 71-2455 in a format specified by the statewide health information exchange.'

It would remove exemptions for prescriptions issued to out-of-state pharmacies and mail-order prescriptions, along with prescriptions dispensed by a pharmacy located out-of-state.

John Arch, Chairperson