

LEGISLATURE OF NEBRASKA
ONE HUNDRED THIRD LEGISLATURE
FIRST SESSION
LEGISLATIVE BILL 528

Introduced by Howard, 9; Campbell, 25; Conrad, 46; McGill, 26.

Read first time January 23, 2013

Committee:

A BILL

1 FOR AN ACT relating to public health; to amend section 71-503.01,
2 Reissue Revised Statutes of Nebraska; to provide for
3 treatment relating to certain sexually transmitted
4 diseases as prescribed; to provide for rules and
5 regulations; to provide for confidentiality and
6 exemptions as prescribed; to harmonize provisions; and to
7 repeal the original section.
8 Be it enacted by the people of the State of Nebraska,

1 Section 1. If a physician, a physician assistant, or an
2 advanced practice registered nurse licensed under the Uniform
3 Credentialing Act diagnoses a patient as having chlamydia or
4 gonorrhea, the physician may prescribe, provide, or dispense and the
5 physician assistant or advanced practice registered nurse may
6 prescribe prescription oral antibiotic drugs to that patient's sexual
7 partner or partners without examination of that patient's partner or
8 partners. General instructions for use or medication guides, where
9 applicable, shall be provided along with additional prescription oral
10 antibiotic drugs for any additional partner. Such prescription oral
11 antibiotic drugs shall be labeled in accordance with section 38-2826.
12 If the infected patient is unwilling or unable to deliver such
13 prescription oral antibiotic drugs to his or her sexual partner or
14 partners, such physician may prescribe, provide, or dispense and such
15 physician assistant or advanced practice registered nurse may
16 prescribe the prescription oral antibiotic drugs, for delivery to
17 such partner if such practitioner has sufficient locating
18 information, by the disease prevention and control staff of the
19 Department of Health and Human Services or of a county or city board
20 of health, local public health department established pursuant to
21 sections 71-1626 to 71-1636, city health department, or local health
22 agency or any state or local public official exercising the duties
23 and responsibilities of any board of health or health department.

24 Sec. 2. The Department of Health and Human Services may
25 adopt and promulgate rules and regulations to carry out section 1 of

1 this act.

2 Sec. 3. Section 71-503.01, Reissue Revised Statutes of
3 Nebraska, is amended to read:

4 71-503.01 (1) Whenever any statute of the state, any
5 ordinance or resolution of a municipal corporation or political
6 subdivision enacted pursuant to statute, or any rule or regulation of
7 an administrative agency adopted and promulgated pursuant to statute
8 ~~requires~~ allows medical practitioners or other persons to prescribe,
9 provide, or dispense prescription drugs pursuant to sections 1 and 2
10 of this act or requires medical practitioners or other persons to
11 report cases of communicable diseases, including sexually transmitted
12 diseases and other reportable diseases, illnesses, or poisonings or
13 to give notification of positive laboratory findings to the
14 Department of Health and Human Services or any county or city board
15 of health, local public health department established pursuant to
16 sections 71-1626 to 71-1636, city health department, local health
17 agency, or state or local public official exercising the duties and
18 responsibilities of any board of health or health department, such
19 reports or notifications and the resulting investigations and such
20 prescription, provision, or dispensing of prescription drugs and
21 records pertaining thereto shall be confidential except as provided
22 in this section, shall not be subject to subpoena, and shall be
23 privileged and inadmissible in evidence in any legal proceeding of
24 any kind or character and shall not be disclosed to any other
25 department or agency of the State of Nebraska.

1 (2) In order to further the protection of public health,
2 such reports, ~~and~~ notifications, ~~and~~ prescription, provision, or
3 dispensing of prescription drugs may be disclosed by the Department
4 of Health and Human Services, the official local health department,
5 and the person making such reports or notifications to the Centers
6 for Disease Control and Prevention of the Public Health Service of
7 the United States Department of Health and Human Services or its
8 successor in such a manner as to ensure that the identity of any
9 individual cannot be ascertained except as required for delivery of
10 such prescription drugs pursuant to sections 1 and 2 of this act. To
11 further protect the public health, the Department of Health and Human
12 Services, the official local health department, and the person making
13 the report or notification may disclose to the official state and
14 local health departments of other states, territories, and the
15 District of Columbia such reports and notifications, including
16 sufficient identification and information so as to ensure that such
17 investigations as deemed necessary are made.

18 (3) The appropriate board, health department, agency, or
19 official may: ~~(1) —~~ (a) Publish analyses of ~~such reports and~~
20 ~~information reports, information, and the notifications described in~~
21 subsection (1) of this section for scientific and public health
22 purposes in such a manner as to ensure that the identity of any
23 individual concerned cannot be ascertained; ~~(2) —~~ (b) discuss the
24 report or notification with the attending physician; and ~~(3) —~~ (c) make
25 such investigation as deemed necessary.

1 (4) Any medical practitioner, any official health
2 department, the Department of Health and Human Services, or any other
3 person making such reports or notifications or prescribing,
4 providing, or dispensing such prescription drugs pursuant to sections
5 1 and 2 of this act shall be immune from suit for slander or libel or
6 breach of privileged communication based on any statements contained
7 in such reports and notifications or pursuant to prescription,
8 provision, or dispensing of such prescription drugs.

9 Sec. 4. Original section 71-503.01, Reissue Revised
10 Statutes of Nebraska, is repealed.