

LEGISLATURE OF NEBRASKA  
ONE HUNDRED EIGHTH LEGISLATURE  
SECOND SESSION

**LEGISLATIVE BILL 1138**

Introduced by Riepe, 12.

Read first time January 11, 2024

Committee:

- 1 A BILL FOR AN ACT relating to the Uniform Credentialing Act; to amend
- 2 section 38-1,146, Revised Statutes Cumulative Supplement, 2022; to
- 3 change provisions relating to prescriptions for controlled
- 4 substances; and to repeal the original section.
- 5 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 38-1,146, Revised Statutes Cumulative Supplement,  
2 2022, is amended to read:

3 38-1,146 (1) For purposes of this section, prescriber means a health  
4 care practitioner authorized to prescribe controlled substances in the  
5 practice for which credentialed under the Uniform Credentialing Act.

6 (2) Except as otherwise provided in subsection (3) or (6) of this  
7 section, no prescriber shall, in this state, issue any prescription as  
8 defined in section 38-2840 for a controlled substance as defined in  
9 section 28-401 unless such prescription is issued (a) using electronic  
10 prescription technology, (b) from the prescriber issuing the prescription  
11 to a pharmacy, and (c) in accordance with all requirements of state law  
12 and the rules and regulations adopted and promulgated pursuant to such  
13 state law.

14 (3) The requirements of subsection (2) of this section shall not  
15 apply to prescriptions:

16 (a) Issued by veterinarians;

17 (b) Issued in circumstances where electronic prescribing is not  
18 available due to temporary technological or electrical failure;

19 (c) Issued when the prescriber and the dispenser are the same  
20 entity;

21 (d) Issued that include elements that are not supported by the  
22 Prescriber/Pharmacist Interface SCRIPT Standard of the National Council  
23 for Prescription Drug Programs as such standard existed on January 1,  
24 2021;

25 (e) Issued for a drug for which the federal Food and Drug  
26 Administration requires the prescription to contain certain elements that  
27 are not able to be accomplished with electronic prescribing;

28 (f) Issued for dispensing a non-patient-specific prescription which  
29 is (i) an approved protocol for drug therapy or (ii) in response to a  
30 public health emergency;

31 (g) Issued for a drug for purposes of a research protocol;

1 (h) Issued under circumstances in which, notwithstanding the  
2 prescriber's ability to make an electronic prescription as required by  
3 this section, such prescriber reasonably determines (i) that it would be  
4 impractical for the patient to obtain substances prescribed by electronic  
5 prescription in a timely manner and (ii) that such delay would adversely  
6 impact the patient's medical condition;~~or~~

7 (i) Issued for drugs requiring compounding; or ~~or~~

8 (j) Issued by a prescriber who issues fewer than fifty prescriptions  
9 in one calendar year otherwise subject to subsection (2) of this section.

10 (4) A pharmacist who receives a written, oral, or faxed prescription  
11 is not required to verify that the prescription falls under one of the  
12 exceptions listed in subsection (3) of this section. A pharmacist may  
13 continue to dispense medication from any otherwise valid written, oral,  
14 or faxed prescription consistent with the law and rules and regulations  
15 as they existed prior to January 1, 2022.

16 (5) A violation of this section shall not be grounds for  
17 disciplinary action under the Uniform Credentialing Act.

18 (6) A dentist shall not be subject to this section until January 1,  
19 2024.

20 Sec. 2. Original section 38-1,146, Revised Statutes Cumulative  
21 Supplement, 2022, is repealed.