

LEGISLATURE OF NEBRASKA
ONE HUNDRED FOURTH LEGISLATURE
FIRST SESSION

LEGISLATIVE BILL 471

Introduced by Howard, 9; Lindstrom, 18; Mello, 5; Nordquist, 7.
Read first time January 20, 2015

Committee: Health and Human Services

- 1 A BILL FOR AN ACT relating to health and human services; to amend
- 2 sections 71-2454, 71-2455, and 71-2456, Revised Statutes Cumulative
- 3 Supplement, 2014; to change provisions relating to prescription drug
- 4 monitoring; to state intent relating to appropriations; to harmonize
- 5 provisions; and to repeal the original sections.
- 6 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 71-2454, Revised Statutes Cumulative Supplement,
2 2014, is amended to read:

3 71-2454 ~~(1) An~~ It is the intent of the Legislature that an entity
4 described in section 71-2455 shall establish a system of prescription
5 drug monitoring for the purposes of ~~(a 1)~~ preventing the misuse of
6 controlled substances that are prescribed in an efficient and cost-
7 effective manner and ~~(b 2)~~ allowing doctors and pharmacists to monitor
8 the care and treatment of patients for whom such a prescription drug is
9 prescribed to ensure that such prescription drugs are used for medically
10 appropriate purposes and that the State of Nebraska remains on the
11 cutting edge of medical information technology.

12 (2) Such system of prescription drug monitoring shall be implemented
13 within twenty-four months after the effective date of this act and shall
14 include, but not be limited to, provisions that:

15 (a) Prohibit any patient from opting out of the system;

16 (b) Require all prescriptions of controlled substances to be entered
17 into the system, including those for patients paying cash for such
18 prescription drug or otherwise not relying on a third-party payor for
19 payment for the prescription drug;

20 (c) Allow all prescribers or dispensers of prescription drugs to
21 access the system at no cost to such prescriber or dispenser; and

22 (d) Ensure that such system includes information relating to all
23 payors, including, but not limited to, the medical assistance program
24 established pursuant to the Medical Assistance Act.

25 Sec. 2. Section 71-2455, Revised Statutes Cumulative Supplement,
26 2014, is amended to read:

27 71-2455 The Department of Health and Human Services, in
28 collaboration with the Nebraska Health Information Initiative or any
29 successor public-private statewide health information exchange, shall
30 enhance or establish technology for prescription drug monitoring to carry
31 out the purposes of section 71-2454. It is the intent of the Legislature

1 to appropriate five hundred thousand dollars for fiscal year 2015-16 to
2 the Department of Health and Human Services to carry out section 71-2454.
3 The department may use other state funds and accept grants, gifts, or
4 other funds in order to implement and operate the technology. The
5 department may adopt and promulgate rules and regulations to authorize
6 use of electronic health information, if necessary to carry out the
7 purposes of sections 71-2454 and 71-2455.

8 Sec. 3. Section 71-2456, Revised Statutes Cumulative Supplement,
9 2014, is amended to read:

10 71-2456 The Prescription Drug Monitoring Program Fund is created.
11 The Department of Health and Human Services shall administer the fund
12 which shall include the appropriation described in section 71-2455 and
13 any other state funds, grants, or gifts received by the department for
14 the purposes of carrying out the purposes of sections 71-2454 and
15 71-2455. Any money in the fund available for investment shall be invested
16 by the state investment officer pursuant to the Nebraska Capital
17 Expansion Act and the Nebraska State Funds Investment Act.

18 Sec. 4. Original sections 71-2454, 71-2455, and 71-2456, Revised
19 Statutes Cumulative Supplement, 2014, are repealed.