

Pharmacists – COVID-19 Frequently Asked Questions

This FAQ responds to questions that the Department of Health and Human Services (DHHS) has received regarding the practice of pharmacy during the COVID-19 state of emergency. It will be updated as additional questions are received.

Updated June 4, 2020

Q: Can pharmacists rely on U.S. Food and Drug Administration (FDA) policy to compound hand sanitizer without a prescription and sell it over the counter?

A: Yes. The FDA has indicated that it “does not intend to take action” against pharmacists in state-licensed pharmacies who prepare alcohol-based hand sanitizers for consumer use or for use as health care personnel hand rubs for the duration of the public health emergency declared by the Secretary of Health and Human Services on January 31, 2020, so long as the hand sanitizer is compounded using the ingredients specified by the FDA and labeled in accordance with FDA guidance. The Nebraska Department of Health and Human Services (DHHS) does not intend to apply state regulation when it determines that doing so would frustrate the purposes or intentions of: federal waivers or other federal actions, and the State of Nebraska’s COVID-19 response. Accordingly, DHHS will not make formal citations so long as compounding occurs in accordance with FDA policy and USP 795 during the COVID-19 state of emergency. However, for Nebraska Medicaid to reimburse a pharmacist for hand sanitizer, there must be a patient-specific prescription.

Q: Can pharmacists rely on U.S. Department of Health and Human Services (HHS) guidance to administer COVID-19 tests?

A: Yes. HHS guidance authorizes licensed pharmacists to “administer COVID-19 tests, including serology tests, that the Food and Drug Administration (FDA) has authorized.” As previously noted, DHHS does not intend to use state regulation to frustrate the purpose or intentions of federal waivers or other federal actions, or the State of Nebraska’s COVID-19 response. Accordingly, DHHS will not make any formal citations so long as testing occurs pursuant to HHS guidance during the COVID-19 state of emergency. Pharmacists wanting to do serology testing pursuant to the HHS guidance will need to obtain a Clinical Laboratory Improvement Amendments (CLIA) certificate of waiver. Also, pharmacies that complete the testing through the results (as opposed to sending specimens to an outside lab to complete the testing) are required to comply with the reporting requirements in 173 N.A.C. Chapter 1. Pharmacists as billing providers for nasal swab collection are part of broader statewide testing strategy, and information about that strategy will be forthcoming.



Q: May pharmacists rely on guidance from the federal Drug Enforcement Administration (DEA) permitting the use of oral prescriptions for schedule II controlled substances under DEA-specified conditions?

A: No. DHHS understands that the DEA issued its guidance to “enable greater flexibility in oral prescribing” during the COVID-19 state of emergency. However, the State of Nebraska has concerns about the potential misuse of prescription drugs listed on the schedules that warrant continued





enforcement of contrary state laws. Further, DHHS does not believe such flexibility would be necessary to further Nebraska's COVID-19 response. As such, pharmacists may only accept oral prescriptions for schedule II controlled substances under the conditions set forth in [Neb. Rev. Stat. § 28-414\(3\)\(a\)](#).

Q: Can compounding pharmacies compound medications that are in short-supply due to COVID-19?

A: Yes. Compounding pharmacies will temporarily be allowed to compound commercially available drugs in a drug shortage as determined by the Nebraska Board of Pharmacy or if a patient has an allergic reaction to the approved drug according to [Neb. Rev. Stat. § 38-2867.01\(5\)\(b\)](#). Notifications regarding Nebraska shortages should be sent to DHHS.MedicalOffice@nebraska.gov or to the assigned Pharmacy Inspector for consideration by the Board of Pharmacy.

Q: Can pharmacists test then treat patients who test positive for strep and influenza?

A: Yes, if they are doing so based on a practice agreement as outlined in [Neb. Rev. Stat. § 38-2867.03](#). This is unchanged since before the COVID-19 state of emergency.

Q: Did Executive Order 20-10, Additional Healthcare Workforce Capacity, address pharmacists and pharmacy technicians?

A: Yes. Executive Order 20-10 addresses pharmacists and pharmacy technicians by:

- Permitting pharmacists, pharmacist interns, and pharmacy technicians who are properly and lawfully licensed in any U.S. state or territory to practice in Nebraska during the COVID-19 state of emergency without needing a Nebraska license so long as their license in the other state is active, in good standing, and free from disciplinary action.
- Allowing individuals who were formerly licensed pharmacists, pharmacist interns, and pharmacy technicians in Nebraska to renew their credentials after their expiration dates or change from inactive to active status without being subject to continuing competency requirements.
- Permitting pharmacists, pharmacist interns, and pharmacy technicians to defer their continuing competency requirements and license renewal fees until 30 days after the lifting of the COVID-19 state of emergency.
- Exempting pharmacy graduates who are waiting for their exam scores to be issued time-limited provisional licenses pending successful examination results or the duration of the emergency, whichever is shorter.

Q: Has the requirement that pharmacy technicians obtain a national certification been waived?

A: No. [Executive Order 20-10](#) did not waive the requirement that pharmacy technicians obtain a national certification within one year after being registered with the Pharmacy Technician Registry. However, the requirement is currently being deferred until testing for certification can be completed. This means that pharmacy technicians whose one-year period expires or nears expiration during the COVID-19 state of emergency will be given additional time to complete the testing. These individuals will be expected to complete the testing as soon as possible and, if they fail the certification test, they will be unable to continue working as a pharmacy technician if their one-year period has expired.

Q: Has the requirement that pharmacies conduct annual controlled substance inventories been suspended during the COVID-19 state of emergency?

A: No. Pharmacies should complete their annual inventory of controlled substances within one year of the previous inventory date, as required in [Neb. Rev. Stat. § 28-410\(2\)](#).

Q: Can pharmacists dispense 72-hour or 30-day emergency refills for purposes of maintenance medication if there are no authorized refills remaining on the prescription?

A: No, not without physician authorization. Physician authorization can be obtained in accordance with 38-28,106 for non-controlled substances or using the procedures outlined in [Neb. Rev. Stat. §§ 28-414 and 38-28,106](#).

Q: Can pharmacists who work with and consult with patients in long-term care facilities perform chart reviews and monthly meetings virtually?

A: Yes. As DHHS [previously stated](#), it is suspending all survey activity during the COVID-19 state of emergency except to:

- investigate situations or concerns that pose potential or actual imminent danger;
- investigate issues regarding infection control practices; and
- conduct initial inspections of new facilities and services.

Accordingly, it will not formally cite pharmacists who perform these chart reviews and monthly meetings remotely. More information about telepractice can be found in the [telehealth FAQ](#).

Q: Can pharmacists who work in hospitals rely on the **waivers** the Centers for Medicare and Medicaid Services (CMS) has issued regarding verbal orders for drugs and biologicals and the reuse of personal protective equipment (PPE) in the compounding area?

A: Yes. Among the [flexibilities](#) that CMS has granted hospitals during the COVID-19 emergency are:

- waiving the requirements of 42 C.F.R. §§ [482.23](#), [482.24](#) and [485.635\(d\)\(3\)](#) regarding verbal orders for drugs and biologicals so long as read-back verification occurs no later than 48 hours after the order; and
- waiving the requirements of 42 C.F.R. § [482.25\(b\)\(1\)](#) and [485.635\(a\)\(3\)](#) regarding hospital sterile compounding to allow used face masks to be removed and retained in the compounding area to be re-donned and reused during the same work shift in the compounding area only.

These flexibilities, coupled with DHHS's own [survey priorities](#) during the COVID-19 emergency, mean that DHHS will not make formal citations for persons relying on these CMS waivers.

Q: Can pharmacists use mail-service to ship prescription drugs or otherwise deliver drugs to patients who would otherwise go and pick up their medications?

A: Yes, for [in-state](#) pharmacists; all community pharmacies can mail out prescriptions to patients who are located in Nebraska. In-state pharmacists would need to check requirements of other states before mailing prescriptions to patients located outside of Nebraska.

No, for [out-of-state](#) pharmacists; a mail-service pharmacy license would be required.





Q: Can wholesale drug distributors send medications to alternate locations?

A: No. Medications must be sent to the address listed on the license in accordance with [Neb. Rev. Stat. § 71-7454\(3\)](#). Pharmacies needing to use a different address must submit a change of location to DHHS.

Q: I'm having trouble locating PPE. What should I do?

A: Pharmacists can request PPE and related supplies, including disinfectant wipes, face shields, goggles, hand sanitizer, N95 respirator masks, gloves, gowns, masks, and infrared thermometers for use in COVID-19 response activities through the [DHHS Personal Protective Equipment \(PPE\) Needs Form](#).