

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.

May 14, 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. 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 DEA 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 not accept oral prescriptions for schedule II controlled substances except 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: Has the requirement that pharmacy technicians obtain a national certification been waived?

A: No. [Executive Order 20-10](#) did not waive this requirement. However, the requirement is currently being deferred until testing for certification can be completed. Applicants who fail the certification test will be unable to continue working as a pharmacy technician.

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\(2\)](#).