

February 13, 2012

Senator Kathy Campbell, Chair
Health and Human Services Committee
State Capitol

Dear Senator Campbell and members of the Health and Human Services Committee:

This letter is being sent to point out issues and concerns with LB 1047, including those that would impact the administration and implementation of this bill.

The Department of Health and Human Services' Division of Public Health fully supports the safe injection of medications, which we understand is the impetus for this bill. However, LB 1047 as written is not likely to result in any greater safety for medication injection than that which already exists. We believe that current law provides sufficient authority to hold health professionals accountable for conformance with acceptable and prevailing standards of practice, including adherence to safe medication injection procedures and guidelines. For example, the grounds for disciplinary action against the license of a health professional that are delineated in sections 38-178 and 38-179 of the Uniform Credentialing Act include that a health professional's credential can be disciplined for "gross incompetence or gross negligence," a "pattern of incompetent or negligent conduct," and "unprofessional conduct." Acts involving the improper injection of medications could be cited as violations under these statutory provisions.

Second, the bill mandates that the Department adopt rules and regulations to carry out the bill yet the bill does not provide any guidance or parameters for the content of any such regulations, thereby calling into question regulatory authority.

While we agree that the public should have an expectation that health professionals adhere to procedures that guard against infection and cross contamination when medications are being injected, the achievement of this expectation takes many forms, including training and education required prior to licensure and discipline after licensure in instances where there is failure to adhere to prevailing and acceptable standards of practice.

Please feel free to contact me for discussion that you would deem necessary on this matter.

Sincerely,



Joann Schaefer, M.D.
Chief Medical Officer, Director
Division of Public Health, NE Dept of Health and Human Services