

February 1, 2013

Senator Kathy Campbell  
Health and Human Services Committee  
P.O. Box 94604  
Lincoln, NE 68509-4604

RE: LB 326

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

The Department of Health and Human Services has reviewed LB 326 and is supportive of the concept of this legislation that proposes to allow for automated pharmacy services in a long-term care facility. The automated technology currently available includes safeguards for storage, recordkeeping, and the ability to track access to prescription medications, including controlled substances.

There are concerns with certain technical aspects of the bill. Although the language allows the authorization for the medication to be a medical order which may not be in the form of a prescription, such authorization can only be allowed for prescription drugs that are not controlled substances. Federal law requires controlled substances to be authorized only by a prescription in a long-term care setting.

Another concern is that the fee for the long-term care automated pharmacy credential is only 20% of the fee for a community pharmacy; however, the inspection requirements involve the same amount of work for a pharmacy inspector. It is recommended that the fee for a long-term care automated pharmacy be the same as the fee charged for a community pharmacy because both sites would be inspected in the same manner.

The Department is collaborating with the Nebraska Pharmacists Association to work through the details of this legislation. The Department is supportive of this proposal and encourages the Health and Human Services Committee to advance LB 326.

Sincerely,



Joann Schaefer, MD  
Chief Medical Officer – State of Nebraska  
Director, Division of Public Health  
Department of Health and Human Services

cc: Sen. Sara Howard