

NEBRASKA BOARD OF PHARMACY
MEETING MINUTES
February 6, 2024

ROLL CALL

Todd Larimer, R.P., Chairperson, called the meeting of the Board of Pharmacy to order at 11:01 a.m. The meeting was conducted by WebEx. The following Board members answered the roll call:

Todd Larimer, R.P., Chairperson – via WebEx
Sabrina Beck, PharmD, R.P., Vice-Chairperson – via WebEx
Charles Tomlinson, PharmD, R.P., Secretary – via WebEx
Kenneth Kester, PharmD, R.P., J.D. – via WebEx
Darrell Klein, J.D. – via WebEx

A quorum was present, and the meeting convened.

Also present by WebEx were: Dean Willson, R.P., Pharmacy Inspector; Melissa Pollard, R.P., Pharmacy Inspector; Vonda Apking, Program Manager; Jan Gadeken-Harris, Health Licensing Coordinator; Mindy Lester, Assistant Attorney General; Teresa Hampton, Department Attorney and Danielle Sund, Department Attorney.

Larimer announced that there is a copy of all the public documents being reviewed at this meeting available on the DHHS Website listed on the Agenda pursuant to the Open Meetings Act.

In accordance with Neb. Rev. Stat. § 84-1411 of the Nebraska Open Meetings Act, copies of the agenda were e-mailed to the Board members and other interested parties, posted on the DHHS web site: <https://dhhs.ne.gov/licensure/Pages/Agendas-and-Minutes.aspx> and posted on the Bulletin Board at the main entrance of the NSOB (Nebraska State Office Building) 14th & M Streets on January 26, 2024.

REVIEW OF AGENDA

Adoption of Agenda

Tomlinson moved, seconded by Klein, to approve the agenda as presented with the Chair having the authority to rearrange agenda items as needed. Voting aye: Beck, Kester, Klein, Larimer, Tomlinson. Voting nay: None. Absent: None. Abstain: None. Motion carried.

LEGISLATION UPDATE

Marcia Mueting, PharmD, NE Pharmacist Association (NPA) and Ally Dering Anderson, Professor at UNMC and Lorri Walmsley, representing Walgreens Pharmacy were present to discuss the 108th Legislature, 2nd Regular Session with the Board.

LB778 - Change the Pharmacy Benefit Manager Licensure and Regulation Act

This is a Carryover Bill

Hearing Date March 21, 2023

The Board of Pharmacy is in support of this Bill and will send a letter of support to the Legislature.

To learn more about this Bill go to: <https://nebraskalegislature.gov/FloorDocs/108/PDF/Intro/LB778.pdf>

LB833 - Adopt the Prescription Drug Affordability Act

Hearing Date February 27, 2024

Marcia Mueting noted that this Bill has no safeguards to prevent setting the limit below what a Pharmacy is charged.

Ally Dering Anderson noted that this bill limits what the Pharmacy can bill.

The NPA is in opposition to this Bill.

The Board of Pharmacy opposes this Bill and will send a letter of opposition to the Legislature.

To learn more about this Bill go to: <https://nebraskalegislature.gov/FloorDocs/108/PDF/Intro/LB833.pdf>

LB892 - Change provisions relating to controlled substances under the Uniform Controlled Substances Act

Hearing was held February 1, 2024

The Board of Pharmacy is in support of this Bill and will send a letter of support to the Legislature.

To learn more about this Bill go to: <https://nebraskalegislature.gov/FloorDocs/108/PDF/Intro/LB892.pdf>

LB972 - Prohibit kratom as a controlled substance.

Hearing was held February 1, 2024

Mindy Lester noted that kratom is a drug of abuse.

The Board of Pharmacy is taking a watch position on this Bill currently.

To learn more about this Bill go to: <https://nebraskalegislature.gov/FloorDocs/108/PDF/Intro/LB972.pdf>

LB984 - Prohibit certain actions relating to distribution of drugs by 340B entities.

Hearing Date February 27, 2024

The Board of Pharmacy is in support of this Bill and will send a letter of support to the Legislature.

To learn more about this Bill go to: <https://nebraskalegislature.gov/FloorDocs/108/PDF/Intro/LB984.pdf>

LB990 - Change provisions of the Pharmacy Benefit Manager Licensure and Regulation Act

Hearing Date February 27, 2024

The Board of Pharmacy is in support of this Bill and will send a letter of support to the Legislature.

To learn more about this Bill go to: <https://nebraskalegislature.gov/FloorDocs/108/PDF/Intro/LB990.pdf>

LB999 - Change provisions of the Nebraska Hemp Farming Act and the Uniform Controlled Substances Act

Hearing was held February 1, 2024

The NPA is taking a watch position on this Bill.

The Board of Pharmacy is taking a watch position on this Bill currently.

To learn more about this Bill go to: <https://nebraskalegislature.gov/FloorDocs/108/PDF/Intro/LB999.pdf>

LB1035 - Adopt the Prescription Drug Donation Act

Hearing was held January 31, 2024

The Board of Pharmacy is in support of this Bill and will send a letter of support to the Legislature.

To learn more about this Bill go to: <https://nebraskalegislature.gov/FloorDocs/108/PDF/Intro/LB1035.pdf>

LB1138 - Provide an exemption from requirements for prescribers issuing prescriptions for controlled substances

Hearing was held January 25, 2024

The NPA is taking a watch position on this Bill.

The Board of Pharmacy is taking a watch position on this Bill currently.

To learn more about this Bill go to: <https://nebraskalegislature.gov/FloorDocs/108/PDF/Intro/LB1138.pdf>

LB1171 - Change verification requirements for pharmacy technicians

Hearing was held January 31, 2024

The Board of Pharmacy is in support of this Bill and will send a letter of support to the Legislature.

To learn more about this Bill go to: <https://nebraskalegislature.gov/FloorDocs/108/PDF/Intro/LB1171.pdf>

LB1181 - Change requirements relating to controlled substances, prescription drugs, pharmacists, and pharmacies as prescribed.

Hearing was held January 25, 2024

The Board of Pharmacy is generally in support of this Bill but is concerned about clarifying language regarding "Consent" and "Dosage" and will send a letter of support to the Legislature with those concerns.

To learn more about this Bill go to: <https://nebraskalegislature.gov/FloorDocs/108/PDF/Intro/LB1181.pdf>

LB1232 - Prohibit certain actions under the Pharmacy Benefit Manager Licensure and Regulation Act

Hearing Date February 27, 2024

The Board of Pharmacy is in support of this Bill and will send a letter of support to the Legislature.

To learn more about this Bill go to: <https://nebraskalegislature.gov/FloorDocs/108/PDF/Intro/LB1232.pdf>

LB1325 - Allow pharmacists and local public health departments to distribute fentanyl strips as prescribed.

Hearing Date February 27, 2024

The Board of Pharmacy is in support of this Bill and will send a letter of support to the Legislature.

To learn more about this Bill go to: <https://nebraskalegislature.gov/FloorDocs/108/PDF/Intro/LB1325.pdf>

Kester moved, seconded by Tomlinson to send a letter of opposition to the Legislature regarding LB833. Voting aye: Beck, Kester, Klein, Larimer, Tomlinson. Voting nay: None. Absent: None. Abstain: None. Motion carried.

Klein moved, seconded by Tomlinson to send letters of support regarding LB778, 892, 984, 990, 1035, 1171, 1232, 1325. Voting aye: Beck, Kester, Klein, Larimer, Tomlinson. Voting nay: None. Absent: None. Abstain: None. Motion carried.

Klein moved, seconded by Beck to send a letter of support regarding LB1181 including the Board's concerns about clarifying language regarding "Consent" and "Dosage". Voting aye: Beck, Kester, Klein, Larimer, Tomlinson. Voting nay: None. Absent: None. Abstain: None. Motion carried.

FUTURE MEETING DATES

The next Board of Pharmacy meeting is scheduled for March 4, 2024. To view the projected schedule for 2024, go to:
<https://dhhs.ne.gov/licensure/Pages/Agendas-and-Minutes.aspx>

ADJOURNMENT

The Board adjourned the meeting at 12:55 p.m.

Respectfully submitted,

(signature on file with the Department)

Charles Tomlinson, PharmD, R.P., Secretary
Board of Pharmacy