

LEGISLATIVE BILL 592

Approved by the Governor March 3, 2022

Introduced by Stinner, 48.

A BILL FOR AN ACT relating to the Automated Medication Systems Act; to amend sections 71-2449 and 71-2451, Reissue Revised Statutes of Nebraska; to provide for use of automated medication distribution machines as prescribed; to change provisions relating to emergency doses and prescription requirements; and to repeal the original sections.
Be it enacted by the people of the State of Nebraska,

Section 1. Section 71-2449, Reissue Revised Statutes of Nebraska, is amended to read:

71-2449 (1) An automated medication distribution machine:

(a) Is subject to the requirements of section 71-2447 and, if it is in a long-term care automated pharmacy, is subject to section 71-2451; and

(b) ~~Subject to section 71-2451, may~~ May be operated or used in a hospital, or long-term care facility, or assisted-living facility for medication administration pursuant to a chart order or prescription by a licensed health care professional.

(2) Drugs placed in an automated medication distribution machine shall be in the manufacturer's original packaging or in containers repackaged in compliance with state and federal laws, rules, and regulations relating to repackaging, labeling, and record keeping.

(3) The inventory which is transferred to an automated medication distribution machine in a hospital shall be excluded from the percent of total prescription drug sales revenue described in section 71-7454.

Sec. 2. Section 71-2451, Reissue Revised Statutes of Nebraska, is amended to read:

71-2451 (1) In order for an automated medication system to be operated in a long-term care facility, a pharmacist in charge of a pharmacy licensed under the Health Care Facility Licensure Act and located in Nebraska shall annually license the long-term care automated pharmacy in which the automated medication system is located.

(2) The pharmacist in charge of a licensed pharmacy shall submit an application for licensure or renewal of licensure to the Division of Public Health of the Department of Health and Human Services with a fee in the amount of the fee the pharmacy pays for licensure or renewal. The application shall include:

(a) The name and location of the licensed pharmacy;

(b) If controlled substances are stored in the automated medication system, the federal Drug Enforcement Administration registration number of the licensed pharmacy. After the long-term care automated pharmacy is registered with the federal Drug Enforcement Administration, the pharmacist in charge of the licensed pharmacy shall provide the federal Drug Enforcement Administration registration number of the long-term care automated pharmacy to the division and any application for renewal shall include such registration number;

(c) The location of the long-term care automated pharmacy; and

(d) The name of the pharmacist in charge of the licensed pharmacy.

(3) As part of the application process, the division shall conduct an inspection by a pharmacy inspector as provided in section 38-28,101 of the long-term care automated pharmacy. The division shall also conduct inspections of the operation of the long-term care automated pharmacy as necessary.

(4) The division shall license a long-term care automated pharmacy which meets the licensure requirements of the Automated Medication Systems Act.

(5) A pharmacist in charge of a licensed pharmacy shall apply for a separate license for each location at which it operates one or more long-term care automated pharmacies. The licensed pharmacy shall be the provider pharmacy for the long-term care automated pharmacy.

(6) The pharmacist in charge of the licensed pharmacy operating a long-term care automated pharmacy shall:

(a) Identify a pharmacist responsible for the operation, supervision, policies, and procedures of the long-term care automated pharmacy;

(b) Implement the policies and procedures developed to comply with section 71-2447;

(c) Assure compliance with the drug storage and record-keeping requirements of the Pharmacy Practice Act;

(d) Assure compliance with the labeling requirements of subsection (8) of this section;

(e) Develop and implement policies for the verification of drugs by a pharmacist prior to being loaded into the automated medication system or for the verification of drugs by a pharmacist prior to being released for administration to a resident;

(f) Develop and implement policies for inventory, security, and accountability for controlled substances; and

(g) Assure that each medical order is reviewed by a pharmacist prior to the release of the drugs by the automated medication system. Emergency doses

may be taken from an automated medication system prior to review by a pharmacist if the licensed pharmacy develops and implements policies for emergency doses. Emergency doses may not be taken from an automated medication system prior to review by a pharmacist for residents of an assisted-living facility co-located with a long-term care facility.

(7) Supervision by a pharmacist is sufficient for compliance with the requirement of subdivision (6)(a) of this section if the pharmacist in the licensed pharmacy monitors the automated medication system electronically and keeps records of compliance with such requirement for five years.

(8) Each drug dispensed from a long-term care automated pharmacy shall be in a package with a label containing the following information:

- (a) The name and address of the long-term care automated pharmacy;
- (b) The prescription number;
- (c) The name, strength, and dosage form of the drug;
- (d) The name of the resident;
- (e) The name of the practitioner who prescribed the drug;
- (f) The date of filling; and
- (g) Directions for use.

(9) A prescription is required for any controlled substance dispensed from a long-term care automated pharmacy and for any medication dispensed for a resident of an assisted-living facility co-located with a long-term care facility.

(10) An assisted-living facility co-located with a long-term care facility which has a long-term care automated pharmacy may obtain drugs dispensed from an automated medication distribution machine by the long-term care automated pharmacy for residents of the assisted-living facility as long as the procedures of the Automated Medication Systems Act are followed with regard to dispensing the drugs.

(11) ~~(10)~~ The inventory which is transferred to a long-term care automated pharmacy shall be excluded from the percent of total prescription drug sales revenue described in section 71-7454.

Sec. 3. Original sections 71-2449 and 71-2451, Reissue Revised Statutes of Nebraska, are repealed.