

LEGISLATURE OF NEBRASKA
ONE HUNDRED EIGHTH LEGISLATURE
FIRST SESSION

LEGISLATIVE BILL 202

Introduced by Walz, 15.

Read first time January 09, 2023

Committee:

- 1 A BILL FOR AN ACT relating to relating to the Pharmacy Practice Act; to
- 2 amend section 38-2891, Revised Statutes Cumulative Supplement, 2022;
- 3 to provide for vaccine administration by pharmacy technicians; to
- 4 harmonize provisions; to repeal the original section; and to declare
- 5 an emergency.
- 6 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 38-2891, Revised Statutes Cumulative Supplement,
2 2022, is amended to read:

3 38-2891 (1) A pharmacy technician shall only perform tasks which do
4 not require the professional judgment of a pharmacist and which are
5 subject to verification to assist a pharmacist in the practice of
6 pharmacy.

7 (2) A pharmacy technician may administer vaccines, and such
8 administration shall not be considered to be performing a task requiring
9 the professional judgment of a pharmacist, when:

10 (a) The vaccines are verified by the pharmacist responsible for the
11 supervision and verification of the activities of the pharmacy technician
12 prior to administration;

13 (b) Administration is limited to intra-muscular in the deltoid
14 muscle or subcutaneous on the arm to a person three years of age or
15 older;

16 (c) The pharmacy technician is certified as required by section
17 38-2890;

18 (d) The pharmacy technician has completed certificate training in
19 vaccine administration that includes, at a minimum, vaccine
20 administration, blood-borne pathogen exposure, safety measures during
21 administration, and biohazard handling;

22 (e) The pharmacy technician is currently certified in basic life-
23 support skills for health care providers as determined by the board; and

24 (f) The pharmacist responsible for the supervision and verification
25 of the activities of the pharmacy technician is on site.

26 (3) ~~(2)~~ The functions and tasks which shall not be performed by
27 pharmacy technicians include, but are not limited to:

28 (a) Receiving oral medical orders from a practitioner or his or her
29 agent except as otherwise provided in subsection (4) of section 38-2870;

30 (b) Providing patient counseling;

31 (c) Performing any evaluation or necessary clarification of a

1 medical order or performing any functions other than strictly clerical
2 functions involving a medical order;

3 (d) Supervising or verifying the tasks and functions of pharmacy
4 technicians;

5 (e) Interpreting or evaluating the data contained in a patient's
6 record maintained pursuant to section 38-2869;

7 (f) Releasing any confidential information maintained by the
8 pharmacy;

9 (g) Performing any professional consultations; and

10 (h) Drug product selection, with regard to an individual medical
11 order, in accordance with the Nebraska Drug Product Selection Act.

12 (4) ~~(3)~~ The director shall, with the recommendation of the board,
13 waive any of the limitations in subsection (2) of this section for
14 purposes of a scientific study of the role of pharmacy technicians
15 approved by the board. Such study shall be based upon providing improved
16 patient care or enhanced pharmaceutical care. Any such waiver shall state
17 the length of the study and shall require that all study data and results
18 be made available to the board upon the completion of the study. Nothing
19 in this subsection requires the board to approve any study proposed under
20 this subsection.

21 Sec. 2. Original section 38-2891, Revised Statutes Cumulative
22 Supplement, 2022, is repealed.

23 Sec. 3. Since an emergency exists, this act takes effect when
24 passed and approved according to law.