January 19, 2022

Once again, good afternoon, Chairperson Lathrop, and members of the Judiciary Committee. My name is Taylor Givens-Dunn and today I am representing Voices for Children in Nebraska in opposition of LB 946.

In recent years, treatment options for children and adolescents have increasingly relied on medication management. The rise in prescriptions for youth has generated public and professional concern over the appropriate role of pharmacology, especially for youth in state care. These concerns center on adverse effects of medications, high rates of prescribing, and off-label prescribing. We understand that historically, children have been excluded from clinical trials of medications and we, too, have growing concerns of overmedicating youth. However, LB 946 takes a completist stance to prohibit state agencies from prescribing all off-label medications, what we consider a “one size fits all” approach to getting children in state care critical treatment and thus present this testimony in opposition to the bill.

Off-label use of a drug means that it hasn't specifically been studied and approved for the condition, age group or weight of the person getting the prescription. Off-label doesn't mean a drug is harmful. Research has demonstrated that the most common off-label medications prescribed to youth are antihistamines, antibiotics, and antidepressants. For example, kids with asthma may be prescribed antihistamines, approved for allergies, but not specifically for asthma, because they may have allergies that trigger their wheezing.

The purpose of off-label use is to benefit the individual patient. Practitioners use their professional judgment to determine these uses. As such, the term “off-label” does not imply an improper, illegal, contraindicated, or investigational use. Therapeutic decision making must always rely on the best available evidence and the importance of the benefit for the individual child and a blanket prohibition does not allow for case-by-case medical intervention for children.

Overall, we find LB 946 to be too broad to be practical and have concerns about it preventing children in care from getting the medical treatment they require. We would be happy to discuss our concerns further with Senator Wayne but at this time we respectfully urge the committee not to advance LB 946.