A BILL

To amend section 4729.281 and to enact section 3902.50 of the Revised Code to increase the frequency at which a pharmacist may refill certain prescriptions on an emergency basis and to require health benefit plans to cover drugs dispensed in those situations.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:

Section 1. That section 4729.281 be amended and section 3902.50 of the Revised Code be enacted to read as follows:

Sec. 3902.50. (A) As used in this section:

(1) "Cost-sharing requirement" means the cost to a covered person under a health benefit plan according to any coverage limit, copayment, coinsurance, deductible, or other out-of-pocket expense requirement.

(2) "Covered person," "health benefit plan," and "health plan issuer" have the same meanings as in section 3922.01 of the Revised Code.

(3) "Licensed health professional authorized to prescribe drugs" has the same meaning as in section 4729.01 of the Revised Code.
Notwithstanding section 3901.71 of the Revised Code, if a health plan issuer covers a prescription drug under a health benefit plan, the health plan issuer shall also provide coverage for that drug at least once during any twelve-month period when it is dispensed by a pharmacist to a covered person in accordance with section 4729.281 of the Revised Code.

A health benefit plan shall not impose cost-sharing requirements for a drug dispensed in accordance with section 4729.281 of the Revised Code that are greater than those imposed when that drug is dispensed in accordance with a prescription issued by a licensed health professional authorized to prescribe drugs.

Sec. 4729.281. (A) A pharmacist may dispense or sell a dangerous drug, other than a schedule II controlled substance as defined in section 3719.01 of the Revised Code, without a written or oral prescription from a licensed health professional authorized to prescribe drugs if all of the following conditions are met:

(1) The pharmacy at which the pharmacist works has a record of a prescription for the drug in the name of the patient who is requesting it, but the prescription does not provide for a refill or the time permitted by rules adopted by the state board of pharmacy for providing refills has elapsed.

(2) The pharmacist is unable to obtain authorization to refill the prescription from the health care professional who issued the prescription or another health professional responsible for the patient's care.

(3) In the exercise of the pharmacist's professional
judgment:

(a) The drug is essential to sustain the life of the patient or continue therapy for a chronic condition of the patient.

(b) Failure to dispense or sell the drug to the patient could result in harm to the health of the patient.

(4)(a) Except as provided in division (A)(4)(b)(B) of this section, the amount of the drug that is dispensed or sold under division (A) this section does shall not exceed a seventy-two-hour supply as provided in the prescription.

(b)(i) Subject to division (A)(4)(b)(ii) of this section, if the drug dispensed or sold under division (A) of this section is not a controlled substance and the patient has been on a consistent drug therapy as demonstrated by records maintained by a pharmacy, the amount of the drug dispensed or sold does shall not exceed a thirty-day supply as provided in the prescription or, if the standard unit of dispensing for the drug exceeds a thirty-day supply, the amount of the drug dispensed or sold does shall not exceed the standard unit of dispensing. The pharmacist shall exercise professional judgment in determining the amount of the drug to be dispensed or sold.

(ii) A pharmacist shall not dispense or sell a particular drug to the same patient in an amount described in division (A) (4)(b)(i) of this section more than once in any twelve-month period.

(B)(C) A pharmacist who dispenses or sells a drug under this section shall do all of the following:

(1) For one year after the date of dispensing or sale, maintain a record in accordance with this chapter of the drug
dispensed or sold, including the name and address of the patient and the individual receiving the drug, if the individual receiving the drug is not the patient, the amount dispensed or sold, and the original prescription number;

(2) Notify the health professional who issued the prescription described in division (A)(1) of this section or another health professional responsible for the patient's care not later than seventy-two hours after the drug is sold or dispensed;

(3) If applicable, obtain authorization for additional dispensing from one of the health professionals described in division (B)(2) (C)(2) of this section.

(D) A pharmacist who dispenses or sells a drug under this section may do so once for each prescription described in division (A)(1) of this section as follows:

(1) For a drug described in division (B)(2) of this section, not more than three times in any twelve-month period;

(2) For any other drug described in this section, not more than once for each prescription.

Section 2. That existing section 4729.281 of the Revised Code is hereby repealed.

Section 3. This act shall apply to health benefit plans, as defined in section 3922.01 of the Revised Code, delivered, issued for delivery, modified, or renewed on or after the effective date of this act.