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Representative LaTourette

Cosponsors: Representatives Sprague, Koehler, Hambley, Sheehy, Barnes, Bishoff, Amstutz, Anielski, Antani, Antonio, Boose, Boyd, Brown, Burkley, Butler, Kunze, Manning, McClain, Patterson, Perales, Rezabek, Roegner, Rogers, Slaby, Sweeney

A BILL

To amend section 4729.01 and to enact sections 1
4729.45 and 4731.057 of the Revised Code to 2
authorize a pharmacist to administer by 3
injection certain prescribed drugs. 4

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

Section 1. That section 4729.01 be amended and sections 5
4729.45 and 4731.057 of the Revised Code be enacted to read as 6
follows: 7

Sec. 4729.01. As used in this chapter: 8

(A) "Pharmacy," except when used in a context that refers 9
to the practice of pharmacy, means any area, room, rooms, place 10
of business, department, or portion of any of the foregoing 11
where the practice of pharmacy is conducted. 12

(B) "Practice of pharmacy" means providing pharmacist care 13
requiring specialized knowledge, judgment, and skill derived 14
from the principles of biological, chemical, behavioral, social, 15

pharmaceutical, and clinical sciences. As used in this division,	16
"pharmacist care" includes the following:	17
(1) Interpreting prescriptions;	18
(2) Dispensing drugs and drug therapy related devices;	19
(3) Compounding drugs;	20
(4) Counseling individuals with regard to their drug	21
therapy, recommending drug therapy related devices, and	22
assisting in the selection of drugs and appliances for treatment	23
of common diseases and injuries and providing instruction in the	24
proper use of the drugs and appliances;	25
(5) Performing drug regimen reviews with individuals by	26
discussing all of the drugs that the individual is taking and	27
explaining the interactions of the drugs;	28
(6) Performing drug utilization reviews with licensed	29
health professionals authorized to prescribe drugs when the	30
pharmacist determines that an individual with a prescription has	31
a drug regimen that warrants additional discussion with the	32
prescriber;	33
(7) Advising an individual and the health care	34
professionals treating an individual with regard to the	35
individual's drug therapy;	36
(8) Acting pursuant to a consult agreement with one or	37
more physicians authorized under Chapter 4731. of the Revised	38
Code to practice medicine and surgery or osteopathic medicine	39
and surgery, if an agreement has been established;	40
(9) Engaging in the administration of immunizations to the	41
extent authorized by section 4729.41 of the Revised Code;	42

(10) Engaging in the administration of drugs to the extent 43
authorized by section 4729.45 of the Revised Code. 44

(C) "Compounding" means the preparation, mixing, 45
assembling, packaging, and labeling of one or more drugs in any 46
of the following circumstances: 47

(1) Pursuant to a prescription issued by a licensed health 48
professional authorized to prescribe drugs; 49

(2) Pursuant to the modification of a prescription made in 50
accordance with a consult agreement; 51

(3) As an incident to research, teaching activities, or 52
chemical analysis; 53

(4) In anticipation of orders for drugs pursuant to 54
prescriptions, based on routine, regularly observed dispensing 55
patterns; 56

(5) Pursuant to a request made by a licensed health 57
professional authorized to prescribe drugs for a drug that is to 58
be used by the professional for the purpose of direct 59
administration to patients in the course of the professional's 60
practice, if all of the following apply: 61

(a) At the time the request is made, the drug is not 62
commercially available regardless of the reason that the drug is 63
not available, including the absence of a manufacturer for the 64
drug or the lack of a readily available supply of the drug from 65
a manufacturer. 66

(b) A limited quantity of the drug is compounded and 67
provided to the professional. 68

(c) The drug is compounded and provided to the 69
professional as an occasional exception to the normal practice 70

of dispensing drugs pursuant to patient-specific prescriptions.	71
(D) "Consult agreement" means an agreement that has been entered into under section 4729.39 of the Revised Code.	72 73
(E) "Drug" means:	74
(1) Any article recognized in the United States pharmacopoeia and national formulary, or any supplement to them, intended for use in the diagnosis, cure, mitigation, treatment, or prevention of disease in humans or animals;	75 76 77 78
(2) Any other article intended for use in the diagnosis, cure, mitigation, treatment, or prevention of disease in humans or animals;	79 80 81
(3) Any article, other than food, intended to affect the structure or any function of the body of humans or animals;	82 83
(4) Any article intended for use as a component of any article specified in division (E) (1), (2), or (3) of this section; but does not include devices or their components, parts, or accessories.	84 85 86 87
(F) "Dangerous drug" means any of the following:	88
(1) Any drug to which either of the following applies:	89
(a) Under the "Federal Food, Drug, and Cosmetic Act," 52 Stat. 1040 (1938), 21 U.S.C.A. 301, as amended, the drug is required to bear a label containing the legend "Caution: Federal law prohibits dispensing without prescription" or "Caution: Federal law restricts this drug to use by or on the order of a licensed veterinarian" or any similar restrictive statement, or the drug may be dispensed only upon a prescription;	90 91 92 93 94 95 96
(b) Under Chapter 3715. or 3719. of the Revised Code, the	97

drug may be dispensed only upon a prescription.	98
(2) Any drug that contains a schedule V controlled substance and that is exempt from Chapter 3719. of the Revised Code or to which that chapter does not apply;	99 100 101
(3) Any drug intended for administration by injection into the human body other than through a natural orifice of the human body.	102 103 104
(G) "Federal drug abuse control laws" has the same meaning as in section 3719.01 of the Revised Code.	105 106
(H) "Prescription" means both of the following:	107
(1) A written, electronic, or oral order for drugs or combinations or mixtures of drugs to be used by a particular individual or for treating a particular animal, issued by a licensed health professional authorized to prescribe drugs;	108 109 110 111
(2) For purposes of sections 2925.61, 4723.488, 4729.44, 4730.431, and 4731.94 of the Revised Code, a written, electronic, or oral order for naloxone issued to and in the name of a family member, friend, or other individual in a position to assist an individual who there is reason to believe is at risk of experiencing an opioid-related overdose.	112 113 114 115 116 117
(3) For purposes of sections 4723.4810, 4729.282, 4730.432, and 4731.93 of the Revised Code, a written, electronic, or oral order for a drug to treat chlamydia, gonorrhoea, or trichomoniasis issued to and in the name of a patient who is not the intended user of the drug but is the sexual partner of the intended user.	118 119 120 121 122 123
(I) "Licensed health professional authorized to prescribe drugs" or "prescriber" means an individual who is authorized by	124 125

law to prescribe drugs or dangerous drugs or drug therapy	126
related devices in the course of the individual's professional	127
practice, including only the following:	128
(1) A dentist licensed under Chapter 4715. of the Revised	129
Code;	130
(2) A clinical nurse specialist, certified nurse-midwife,	131
or certified nurse practitioner who holds a certificate to	132
prescribe issued under section 4723.48 of the Revised Code;	133
(3) An optometrist licensed under Chapter 4725. of the	134
Revised Code to practice optometry under a therapeutic	135
pharmaceutical agents certificate;	136
(4) A physician authorized under Chapter 4731. of the	137
Revised Code to practice medicine and surgery, osteopathic	138
medicine and surgery, or podiatric medicine and surgery;	139
(5) A physician assistant who holds a license to practice	140
as a physician assistant issued under Chapter 4730. of the	141
Revised Code, holds a valid prescriber number issued by the	142
state medical board, and has been granted physician-delegated	143
prescriptive authority;	144
(6) A veterinarian licensed under Chapter 4741. of the	145
Revised Code.	146
(J) "Sale" and "sell" include delivery, transfer, barter,	147
exchange, or gift, or offer therefor, and each such transaction	148
made by any person, whether as principal proprietor, agent, or	149
employee.	150
(K) "Wholesale sale" and "sale at wholesale" mean any sale	151
in which the purpose of the purchaser is to resell the article	152
purchased or received by the purchaser.	153

(L) "Retail sale" and "sale at retail" mean any sale other than a wholesale sale or sale at wholesale.	154 155
(M) "Retail seller" means any person that sells any dangerous drug to consumers without assuming control over and responsibility for its administration. Mere advice or instructions regarding administration do not constitute control or establish responsibility.	156 157 158 159 160
(N) "Price information" means the price charged for a prescription for a particular drug product and, in an easily understandable manner, all of the following:	161 162 163
(1) The proprietary name of the drug product;	164
(2) The established (generic) name of the drug product;	165
(3) The strength of the drug product if the product contains a single active ingredient or if the drug product contains more than one active ingredient and a relevant strength can be associated with the product without indicating each active ingredient. The established name and quantity of each active ingredient are required if such a relevant strength cannot be so associated with a drug product containing more than one ingredient.	166 167 168 169 170 171 172 173
(4) The dosage form;	174
(5) The price charged for a specific quantity of the drug product. The stated price shall include all charges to the consumer, including, but not limited to, the cost of the drug product, professional fees, handling fees, if any, and a statement identifying professional services routinely furnished by the pharmacy. Any mailing fees and delivery fees may be stated separately without repetition. The information shall not be false or misleading.	175 176 177 178 179 180 181 182

(O) "Wholesale distributor of dangerous drugs" means a 183
person engaged in the sale of dangerous drugs at wholesale and 184
includes any agent or employee of such a person authorized by 185
the person to engage in the sale of dangerous drugs at 186
wholesale. 187

(P) "Manufacturer of dangerous drugs" means a person, 188
other than a pharmacist, who manufactures dangerous drugs and 189
who is engaged in the sale of those dangerous drugs within this 190
state. 191

(Q) "Terminal distributor of dangerous drugs" means a 192
person who is engaged in the sale of dangerous drugs at retail, 193
or any person, other than a wholesale distributor or a 194
pharmacist, who has possession, custody, or control of dangerous 195
drugs for any purpose other than for that person's own use and 196
consumption, and includes pharmacies, hospitals, nursing homes, 197
and laboratories and all other persons who procure dangerous 198
drugs for sale or other distribution by or under the supervision 199
of a pharmacist or licensed health professional authorized to 200
prescribe drugs. 201

(R) "Promote to the public" means disseminating a 202
representation to the public in any manner or by any means, 203
other than by labeling, for the purpose of inducing, or that is 204
likely to induce, directly or indirectly, the purchase of a 205
dangerous drug at retail. 206

(S) "Person" includes any individual, partnership, 207
association, limited liability company, or corporation, the 208
state, any political subdivision of the state, and any district, 209
department, or agency of the state or its political 210
subdivisions. 211

(T) "Finished dosage form" has the same meaning as in 212
section 3715.01 of the Revised Code. 213

(U) "Generically equivalent drug" has the same meaning as 214
in section 3715.01 of the Revised Code. 215

(V) "Animal shelter" means a facility operated by a humane 216
society or any society organized under Chapter 1717. of the 217
Revised Code or a dog pound operated pursuant to Chapter 955. of 218
the Revised Code. 219

(W) "Food" has the same meaning as in section 3715.01 of 220
the Revised Code. 221

(X) "Pain management clinic" has the same meaning as in 222
section 4731.054 of the Revised Code. 223

Sec. 4729.45. (A) As used in this section, "physician" 224
means an individual authorized to practice medicine and surgery 225
or osteopathic medicine and surgery. 226

(B) (1) Subject to division (C) of this section, a 227
pharmacist licensed under this chapter may administer by 228
injection any of the following drugs as long as the drug that is 229
to be administered has been prescribed by a physician and the 230
individual to whom the drug was prescribed has an ongoing 231
physician-patient relationship with the physician: 232

(a) An opioid antagonist used for treatment of drug 233
addiction and administered in a long-acting or extended-release 234
form; 235

(b) An antipsychotic drug administered in a long-acting or 236
extended-release form; 237

(c) Hydroxyprogesterone caproate; 238

<u>(d) Medroxyprogesterone acetate;</u>	239
<u>(e) Cobalamin.</u>	240
<u>(2) As part of engaging in the administration of drugs by injection pursuant to this section, a pharmacist may administer epinephrine or diphenhydramine, or both, to an individual in an emergency situation resulting from an adverse reaction to a drug administered by the pharmacist.</u>	241 242 243 244 245
<u>(C) To be authorized to administer drugs pursuant to this section, a pharmacist must do all of the following:</u>	246 247
<u>(1) Successfully complete a course in the administration of drugs that satisfies the requirements established by the state board of pharmacy in rules adopted under division (H) (1) (a) of this section;</u>	248 249 250 251
<u>(2) Receive and maintain certification to perform basic life-support procedures by successfully completing a basic life-support training course certified by the American red cross or American heart association;</u>	252 253 254 255
<u>(3) Practice in accordance with a protocol that meets the requirements of division (F) of this section.</u>	256 257
<u>(D) Each time a pharmacist administers a drug pursuant to this section, the pharmacist shall do all of the following:</u>	258 259
<u>(1) Obtain permission in accordance with the procedures specified in rules adopted under division (H) of this section and comply with the following requirements:</u>	260 261 262
<u>(a) Except as provided in division (D) (1) (c) of this section, for each drug administered by a pharmacist to an individual who is eighteen years of age or older, the pharmacist shall obtain permission from the individual.</u>	263 264 265 266

(b) For each drug administered by a pharmacist to an individual who is under eighteen years of age, the pharmacist shall obtain permission from the individual's parent or other person having care or charge of the individual. 267
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(c) For each drug administered by a pharmacist to an individual who lacks the capacity to make informed health care decisions, the pharmacist shall obtain permission from the person authorized to make such decisions on the individual's behalf. 271
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(2) In the case of an opioid antagonist described in division (B) of this section, obtain in accordance with division (E) of this section test results indicating that it is appropriate to administer the drug to the individual if either of the following is to be administered: 276
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(a) The initial dose of the drug; 281

(b) Any subsequent dose, if the administration occurs more than thirty days after the previous dose of the drug was administered. 282
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(3) Observe the individual to whom the drug is administered to determine whether the individual has an adverse reaction to the drug; 285
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(4) Notify the physician who prescribed the drug that the drug has been administered to the individual. 288
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(E) A pharmacist may obtain the test results described in division (D) (2) of this section in either of the following ways: 290
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(1) From the physician; 292

(2) By ordering blood and urine tests for the individual to whom the opioid antagonist is to be administered. 293
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If a pharmacist orders blood and urine tests, the 295
pharmacist shall evaluate the results of the tests to determine 296
whether they indicate that it is appropriate to administer the 297
opioid antagonist. A pharmacist's authority to evaluate test 298
results under this division does not authorize the pharmacist to 299
make a diagnosis. 300

(F) All of the following apply with respect to the 301
protocol required by division (C) (3) of this section: 302

(1) The protocol must be established by a physician who 303
has a scope of practice that includes treatment of the condition 304
for which the individual has been prescribed the drug to be 305
administered. 306

(2) The protocol must satisfy the requirements established 307
in rules adopted under division (H) (1) (b) of this section. 308

(3) The protocol must do all of the following: 309

(a) Specify a definitive set of treatment guidelines; 310

(b) Specify the locations at which a pharmacist may engage 311
in the administration of drugs pursuant to this section; 312

(c) Include provisions for implementing the requirements 313
of division (D) of this section, including for purposes of 314
division (D) (3) of this section provisions specifying the length 315
of time and location at which a pharmacist must observe an 316
individual who receives a drug to determine whether the 317
individual has an adverse reaction to the drug; 318

(d) Specify procedures to be followed by a pharmacist when 319
administering epinephrine, diphenhydramine, or both to an 320
individual who has an adverse reaction to a drug administered by 321
the pharmacist. 322

<u>(G) A pharmacist shall not do either of the following:</u>	323
<u>(1) Engage in the administration of drugs pursuant to this</u>	324
<u>section unless the requirements of division (C) of this section</u>	325
<u>have been met;</u>	326
<u>(2) Delegate to any person the pharmacist's authority to</u>	327
<u>engage in the administration of drugs pursuant to this section.</u>	328
<u>(H) (1) The state board of pharmacy shall adopt rules to</u>	329
<u>implement this section. The rules shall be adopted in accordance</u>	330
<u>with Chapter 119. of the Revised Code and include all of the</u>	331
<u>following:</u>	332
<u>(a) Requirements for courses in administration of drugs;</u>	333
<u>(b) Requirements for protocols to be followed by</u>	334
<u>pharmacists in administering drugs pursuant to this section;</u>	335
<u>(c) Procedures to be followed by a pharmacist in obtaining</u>	336
<u>permission to administer a drug to an individual.</u>	337
<u>(2) The board shall consult with the state medical board</u>	338
<u>before adopting rules regarding requirements for protocols under</u>	339
<u>this section.</u>	340
<u>Sec. 4731.057.</u> <u>As used in this section, "physician" means</u>	341
<u>an individual authorized under this chapter to practice medicine</u>	342
<u>and surgery or osteopathic medicine and surgery.</u>	343
<u>The state medical board shall adopt rules establishing</u>	344
<u>standards and procedures to be followed by a physician when</u>	345
<u>prescribing a drug that may be administered by a pharmacist</u>	346
<u>pursuant to section 4729.45 of the Revised Code. The rules shall</u>	347
<u>be adopted in accordance with Chapter 119. of the Revised Code</u>	348
<u>and in consultation with the state board of pharmacy.</u>	349

Section 2. That existing section 4729.01 of the Revised Code is hereby repealed.	350 351
Section 3. Section 4729.01 of the Revised Code is presented in this act as a composite of the section as amended by both Sub. H.B. 124 and Am. Sub. H.B. 188 of the 131st General Assembly. The General Assembly, applying the principle stated in division (B) of section 1.52 of the Revised Code that amendments are to be harmonized if reasonably capable of simultaneous operation, finds that the composite is the resulting version of the section in effect prior to the effective date of the section as presented in this act.	352 353 354 355 356 357 358 359 360