

As Reported by the House Health Committee

132nd General Assembly

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Sub. H. B. No. 167

Representative Edwards

Cosponsor: Representative Householder

A BILL

To amend sections 4723.52, 4730.56, 4731.83, and 5119.363, to amend, for the purpose of adopting a new section number as indicated in parentheses, section 3715.08 (3719.064), and to enact sections 3719.063 and 4729.283 of the Revised Code regarding naltrexone and medication-assisted treatment.

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

Section 1. That sections 4723.52, 4730.56, 4731.83, and 5119.363 be amended, section 3715.08 (3719.064) be amended for the purpose of adopting a new section number as indicated in parentheses, and sections 3719.063 and 4729.283 of the Revised Code be enacted to read as follows:

Sec. 3719.063. In the absence of gross negligence or intentional misconduct, a person who administers the drug naltrexone by injection, the person's employer, and the facility at which the drug is administered are not liable in any civil action or subject to criminal prosecution or professional discipline for any injury or damage caused by the injection or

drug if all of the following conditions are met: 19

(A) The individual to whom the drug is administered is 20
unable to have it administered as follows: 21

(1) By a person who routinely administers the drug to the 22
individual; 23

(2) At the facility at which the drug is routinely 24
administered to the individual; 25

(3) Under the direction of the drug's prescriber. 26

(B) The person who administers the drug under this section 27
is legally authorized to administer it by injection but is not 28
the prescriber of the drug or one who routinely administers it 29
to the individual. 30

(C) The drug is provided to the person who administers it 31
under this section in either of the following ways: 32

(1) By the individual to whom it is administered; 33

(2) By the pharmacy that has a record of a prescription 34
for the drug in the name of the individual to whom it is 35
administered. 36

(D) The person who administers the drug under this section 37
is authorized to do so by that person's employer or the facility 38
at which the drug is administered. 39

Sec. ~~3715-08~~ 3719.064. (A) As used in this section: 40

(1) "Medication-assisted treatment" has the same meaning 41
as in section 340.01 of the Revised Code. 42

(2) "Prescriber" means any of the following: 43

(a) An advanced practice registered nurse who holds a 44

current, valid license issued under Chapter 4723. of the Revised 45
Code and is designated as a clinical nurse specialist, certified 46
nurse-midwife, or certified nurse practitioner; 47

(b) A physician authorized under Chapter 4731. of the 48
Revised Code to practice medicine and surgery or osteopathic 49
medicine and surgery; 50

(c) A physician assistant who is licensed under Chapter 51
4730. of the Revised Code, holds a valid prescriber number 52
issued by the state medical board, and has been granted 53
physician-delegated prescriptive authority. 54

(3) "Qualifying practitioner" has the same meaning as in 55
section 303(g) (2) (G) (iii) of the "Controlled Substances Act of 56
1970," 21 U.S.C. 823(g) (2) (G) (iii), as amended. 57

(B) Before initiating medication-assisted treatment, a 58
prescriber shall give the patient or the patient's 59
representative information about all drugs approved by the 60
United States food and drug administration for use in 61
medication-assisted treatment. The information must be provided 62
both orally and in writing. The prescriber or the prescriber's 63
delegate shall note in the patient's medical record when this 64
information was provided and make the record available to 65
employees of the board of nursing or state medical board on 66
their request. 67

If the prescriber is not a qualifying practitioner and the 68
patient's choice is treatment with a controlled substance 69
containing buprenorphine and the prescriber determines that such 70
treatment is clinically appropriate and meets generally accepted 71
standards of medicine, the prescriber shall refer the patient to 72
a qualifying practitioner. If the patient's choice is methadone 73

treatment and the prescriber determines that such treatment is 74
clinically appropriate and meets generally accepted standards of 75
medicine, the prescriber shall refer the patient to a community 76
addiction services provider licensed under section 5119.391 of 77
the Revised Code. In either case, the prescriber or the 78
prescriber's delegate shall make a notation in the patient's 79
medical record naming the practitioner or provider to whom the 80
patient was referred and specifying when the referral was made. 81

Sec. 4723.52. (A) As used in this section: 82

(1) "Community addiction services provider" has the same 83
meaning as in section 5119.01 of the Revised Code. 84

(2) "Medication-assisted treatment" has the same meaning 85
as in section 340.01 of the Revised Code. 86

(B) An advanced practice registered nurse shall comply 87
with section ~~3715.08~~3719.064 of the Revised Code and rules 88
adopted under section 4723.51 of the Revised Code when treating 89
a patient for addiction with medication-assisted treatment or 90
proposing to initiate such treatment. 91

(C) An advanced practice registered nurse who fails to 92
comply with this section shall treat not more than thirty 93
patients at any one time with medication-assisted treatment even 94
if the facility or location at which the treatment is provided 95
is either of the following: 96

(1) Exempted by divisions (B) (2) (a) to (d) of section 97
4729.553 of the Revised Code from being required to possess a 98
category III terminal distributor of dangerous drugs license 99
with an office-based opioid treatment classification; 100

(2) A community addiction services provider that provides 101
alcohol and drug addiction services that are certified by the 102

department of mental health and addiction services under section 103
5119.36 of the Revised Code. 104

Sec. 4729.283. (A) A pharmacist may dispense naltrexone 105
without a written or oral prescription from a licensed health 106
professional authorized to prescribe drugs if all of the 107
following conditions are met: 108

(1) The pharmacist is able to verify a record of a 109
prescription for the injectable long-acting or extended-release 110
form of naltrexone in the name of the patient who is requesting 111
the drug, but the prescription does not provide for a refill or 112
the time permitted by rules adopted by the state board of 113
pharmacy for providing refills has elapsed. 114

(2) The pharmacist is unable to obtain authorization to 115
refill the prescription from the prescriber who issued it or 116
another prescriber responsible for the patient's care. 117

(3) In the exercise of the pharmacist's professional 118
judgment: 119

(a) The drug is necessary to continue the patient's 120
therapy for substance use disorder. 121

(b) Failure to dispense the drug to the patient could 122
result in harm to the health of the patient. 123

(B) Before dispensing naltrexone under this section, the 124
pharmacist shall offer the patient the choice of receiving 125
either the oral form or injectable long-acting or extended- 126
release form, but only if both forms of the drug are available 127
for dispensing at the time of the patient's request or within 128
one day after the request. 129

(C) (1) With respect to naltrexone dispensed in an oral 130

form under this section, the pharmacist shall not dispense an 131
amount that exceeds a five-day supply. 132

(2) With respect to naltrexone dispensed in an injectable 133
long-acting or extended-release form under this section, both of 134
the following apply: 135

(a) The pharmacist shall exercise professional judgment in 136
determining the amount of the drug dispensed. 137

(b) The pharmacist may administer the drug by injection to 138
the patient but only in accordance with section 4729.45 of the 139
Revised Code. 140

(D) A pharmacist who dispenses naltrexone under this 141
section shall do all of the following: 142

(1) For one year after the date of dispensing, maintain a 143
record in accordance with this chapter of the drug dispensed, 144
including the amount and form dispensed, the original 145
prescription number, the name and address of the patient and, if 146
the individual receiving the drug is not the patient, the name 147
and address of that individual; 148

(2) Notify the prescriber who issued the prescription 149
described in division (A)(1) of this section or another 150
prescriber responsible for the patient's care not later than 151
five days after the drug is dispensed; 152

(3) If applicable, obtain authorization for additional 153
dispensing from one of the prescribers described in division (D) 154
(2) of this section. 155

(E) A pharmacist shall exercise professional judgment in 156
determining the number of times naltrexone may be dispensed 157
under this section to the same patient. 158

(F) This section does not limit the authority of a pharmacist to dispense a dangerous drug under section 4729.281 of the Revised Code. 159
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Sec. 4730.56. (A) As used in this section: 162

(1) "Community addiction services provider" has the same meaning as in section 5119.01 of the Revised Code. 163
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(2) "Medication-assisted treatment" has the same meaning as in section 340.01 of the Revised Code. 165
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(B) A physician assistant shall comply with section ~~3715.08~~ 3719.064 of the Revised Code and rules adopted under section 4730.55 of the Revised Code when treating a patient with medication-assisted treatment or proposing to initiate such treatment. 167
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(C) A physician assistant who fails to comply with this section shall treat not more than thirty patients at any one time with medication-assisted treatment even if the facility or location at which the treatment is provided is either of the following: 172
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(1) Exempted by divisions (B) (2) (a) to (d) of section 4729.553 of the Revised Code from being required to possess a category III terminal distributor of dangerous drugs license with an office-based opioid treatment classification; 177
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(2) A community addiction services provider that provides alcohol and drug addiction services that are certified by the department of mental health and addiction services under section 5119.36 of the Revised Code. 181
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Sec. 4731.83. (A) As used in this section: 185

(1) "Medication-assisted treatment" has the same meaning 186

as in section 340.01 of the Revised Code. 187

(2) "Physician" means an individual authorized by this 188
chapter to practice medicine and surgery or osteopathic medicine 189
and surgery. 190

(B) A physician shall comply with section ~~3715.08~~3719.064 191
of the Revised Code and rules adopted under section 4731.056 of 192
the Revised Code when treating a patient with medication- 193
assisted treatment or proposing to initiate such treatment. 194

(C) A physician who fails to comply with this section 195
shall treat not more than thirty patients at any one time with 196
medication-assisted treatment even if the facility or location 197
at which the treatment is provided is either of the following: 198

(1) Exempted by divisions (B) (2) (a) to (d) of section 199
4729.553 of the Revised Code from being required to possess a 200
category III terminal distributor of dangerous drugs license 201
with an office-based opioid treatment classification; 202

(2) A community addiction services provider that provides 203
alcohol and drug addiction services that are certified by the 204
department of mental health and addiction services under section 205
5119.36 of the Revised Code. 206

Sec. 5119.363. The director of mental health and addiction 207
services shall adopt rules governing the duties of boards of 208
alcohol, drug addiction, and mental health services under 209
section 340.20 of the Revised Code and the duties of community 210
addiction services providers under section 5119.362 of the 211
Revised Code. The rules shall be adopted in accordance with 212
Chapter 119. of the Revised Code. 213

The director shall adopt rules under this section that 214
authorize the department of mental health and addiction services 215

to determine an advanced practice registered nurse's, physician 216
assistant's, or physician's compliance with section ~~3715.08~~ 217
3719.064 of the Revised Code if such practitioner works for a 218
community addiction services provider. 219

Section 2. That existing section 3715.08, 4723.52, 220
4730.56, 4731.83, and 5119.363 of the Revised Code are hereby 221
repealed. 222

Section 3. This act shall be known as "Daniel's Law." 223