

As Passed By The Senate

131st General Assembly

Regular Session

2015-2016

Sub. H. B. No. 124

Representatives Johnson, T., Huffman

Cosponsors: Representatives Grossman, Blessing, Gonzales, Antonio, Barnes, Bishoff, Brown, Lepore-Hagan, Sears, Boyd, Clyde, Craig, Driehaus, Fedor, Gerberry, Green, Hackett, Howse, Johnson, G., Kuhns, O'Brien, M., O'Brien, S., Patterson, Phillips, Ramos, Reece, Rogers, Sheehy, Stinziano, Strahorn, Sweeney, Sykes

Senators Gardner, Lehner, Brown, Eklund, Jones, Manning, Patton, Sawyer, Schiavoni, Seitz, Tavares, Thomas

A BILL

To amend section 4729.01 and to enact sections 1
4723.4810, 4729.282, 4730.432, and 4731.93 of 2
the Revised Code regarding the authority to 3
prescribe or personally furnish without 4
examination a drug for a sexual partner of a 5
patient diagnosed with chlamydia, gonorrhea, or 6
trichomoniasis. 7

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

Section 1. That section 4729.01 be amended and sections 8
4723.4810, 4729.282, 4730.432, and 4731.93 of the Revised Code 9
be enacted to read as follows: 10

Sec. 4723.4810. (A)(1) Notwithstanding any conflicting 11
provision of this chapter or rule adopted by the board of 12
nursing, a clinical nurse specialist, certified nurse-midwife, 13
or certified nurse practitioner who holds a certificate to 14

prescribe issued under section 4723.48 of the Revised Code may 15
issue a prescription for or personally furnish a complete or 16
partial supply of a drug to treat chlamydia, gonorrhea, or 17
trichomoniasis, without having examined the individual for whom 18
the drug is intended, if all of the following conditions are 19
met: 20

(a) The individual is a sexual partner of the nurse's 21
patient. 22

(b) The patient has been diagnosed with chlamydia, 23
gonorrhea, or trichomoniasis. 24

(c) The patient reports to the nurse that the individual 25
is unable or unlikely to be evaluated or treated by a health 26
professional. 27

(2) A prescription issued under this section shall include 28
the individual's name and address, if known. If the nurse is 29
unable to obtain the individual's name and address, the 30
prescription shall include the patient's name and address and 31
the words "expedited partner therapy" or the letters "EPT." 32

(3) A nurse may prescribe or personally furnish a drug 33
under this section for not more than a total of two individuals 34
who are sexual partners of the nurse's patient. 35

(B) For each drug prescribed or personally furnished under 36
this section, the nurse shall do all of the following: 37

(1) Provide the patient with information concerning the 38
drug for the purpose of sharing the information with the 39
individual, including directions for use of the drug and any 40
side effects, adverse reactions, or known contraindications 41
associated with the drug; 42

<u>(2) Recommend to the patient that the individual seek</u>	43
<u>treatment from a health professional;</u>	44
<u>(3) Document all of the following in the patient's record:</u>	45
<u>(a) The name of the drug prescribed or furnished and its</u>	46
<u>dosage;</u>	47
<u>(b) That information concerning the drug was provided to</u>	48
<u>the patient for the purpose of sharing the information with the</u>	49
<u>individual;</u>	50
<u>(c) If known, any adverse reactions the individual</u>	51
<u>experiences from treatment with the drug.</u>	52
<u>(C) A nurse who prescribes or personally furnishes a drug</u>	53
<u>under this section may contact the individual for whom the drug</u>	54
<u>is intended.</u>	55
<u>(1) If the nurse contacts the individual, the nurse shall</u>	56
<u>do all of the following:</u>	57
<u>(a) Inform the individual that the individual may have</u>	58
<u>been exposed to chlamydia, gonorrhoea, or trichomoniasis;</u>	59
<u>(b) Encourage the individual to seek treatment from a</u>	60
<u>health professional;</u>	61
<u>(c) Explain the treatment options available to the</u>	62
<u>individual, including treatment with a prescription drug,</u>	63
<u>directions for use of the drug, and any side effects, adverse</u>	64
<u>reactions, or known contraindications associated with the drug;</u>	65
<u>(d) Document in the patient's record that the nurse</u>	66
<u>contacted the individual.</u>	67
<u>(2) If the nurse does not contact the individual, the</u>	68
<u>nurse shall document that fact in the patient's record.</u>	69

(D) A nurse who in good faith prescribes or personally furnishes a drug under this section is not liable for or subject to any of the following: 70
71
72

(1) Damages in any civil action; 73

(2) Prosecution in any criminal proceeding; 74

(3) Professional disciplinary action. 75

Sec. 4729.01. As used in this chapter: 76

(A) "Pharmacy," except when used in a context that refers to the practice of pharmacy, means any area, room, rooms, place of business, department, or portion of any of the foregoing where the practice of pharmacy is conducted. 77
78
79
80

(B) "Practice of pharmacy" means providing pharmacist care requiring specialized knowledge, judgment, and skill derived from the principles of biological, chemical, behavioral, social, pharmaceutical, and clinical sciences. As used in this division, "pharmacist care" includes the following: 81
82
83
84
85

(1) Interpreting prescriptions; 86

(2) Dispensing drugs and drug therapy related devices; 87

(3) Compounding drugs; 88

(4) Counseling individuals with regard to their drug therapy, recommending drug therapy related devices, and assisting in the selection of drugs and appliances for treatment of common diseases and injuries and providing instruction in the proper use of the drugs and appliances; 89
90
91
92
93

(5) Performing drug regimen reviews with individuals by discussing all of the drugs that the individual is taking and explaining the interactions of the drugs; 94
95
96

(6) Performing drug utilization reviews with licensed health professionals authorized to prescribe drugs when the pharmacist determines that an individual with a prescription has a drug regimen that warrants additional discussion with the prescriber;	97 98 99 100 101
(7) Advising an individual and the health care professionals treating an individual with regard to the individual's drug therapy;	102 103 104
(8) Acting pursuant to a consult agreement with a physician authorized under Chapter 4731. of the Revised Code to practice medicine and surgery or osteopathic medicine and surgery, if an agreement has been established with the physician;	105 106 107 108 109
(9) Engaging in the administration of immunizations to the extent authorized by section 4729.41 of the Revised Code.	110 111
(C) "Compounding" means the preparation, mixing, assembling, packaging, and labeling of one or more drugs in any of the following circumstances:	112 113 114
(1) Pursuant to a prescription issued by a licensed health professional authorized to prescribe drugs;	115 116
(2) Pursuant to the modification of a prescription made in accordance with a consult agreement;	117 118
(3) As an incident to research, teaching activities, or chemical analysis;	119 120
(4) In anticipation of orders for drugs pursuant to prescriptions, based on routine, regularly observed dispensing patterns;	121 122 123
(5) Pursuant to a request made by a licensed health	124

professional authorized to prescribe drugs for a drug that is to 125
be used by the professional for the purpose of direct 126
administration to patients in the course of the professional's 127
practice, if all of the following apply: 128

(a) At the time the request is made, the drug is not 129
commercially available regardless of the reason that the drug is 130
not available, including the absence of a manufacturer for the 131
drug or the lack of a readily available supply of the drug from 132
a manufacturer. 133

(b) A limited quantity of the drug is compounded and 134
provided to the professional. 135

(c) The drug is compounded and provided to the 136
professional as an occasional exception to the normal practice 137
of dispensing drugs pursuant to patient-specific prescriptions. 138

(D) "Consult agreement" means an agreement to manage an 139
individual's drug therapy that has been entered into by a 140
pharmacist and a physician authorized under Chapter 4731. of the 141
Revised Code to practice medicine and surgery or osteopathic 142
medicine and surgery. 143

(E) "Drug" means: 144

(1) Any article recognized in the United States 145
pharmacopoeia and national formulary, or any supplement to them, 146
intended for use in the diagnosis, cure, mitigation, treatment, 147
or prevention of disease in humans or animals; 148

(2) Any other article intended for use in the diagnosis, 149
cure, mitigation, treatment, or prevention of disease in humans 150
or animals; 151

(3) Any article, other than food, intended to affect the 152

structure or any function of the body of humans or animals;	153
(4) Any article intended for use as a component of any	154
article specified in division (E) (1), (2), or (3) of this	155
section; but does not include devices or their components,	156
parts, or accessories.	157
(F) "Dangerous drug" means any of the following:	158
(1) Any drug to which either of the following applies:	159
(a) Under the "Federal Food, Drug, and Cosmetic Act," 52	160
Stat. 1040 (1938), 21 U.S.C.A. 301, as amended, the drug is	161
required to bear a label containing the legend "Caution: Federal	162
law prohibits dispensing without prescription" or "Caution:	163
Federal law restricts this drug to use by or on the order of a	164
licensed veterinarian" or any similar restrictive statement, or	165
the drug may be dispensed only upon a prescription;	166
(b) Under Chapter 3715. or 3719. of the Revised Code, the	167
drug may be dispensed only upon a prescription.	168
(2) Any drug that contains a schedule V controlled	169
substance and that is exempt from Chapter 3719. of the Revised	170
Code or to which that chapter does not apply;	171
(3) Any drug intended for administration by injection into	172
the human body other than through a natural orifice of the human	173
body.	174
(G) "Federal drug abuse control laws" has the same meaning	175
as in section 3719.01 of the Revised Code.	176
(H) "Prescription" means both of the following:	177
(1) A written, electronic, or oral order for drugs or	178
combinations or mixtures of drugs to be used by a particular	179

individual or for treating a particular animal, issued by a 180
licensed health professional authorized to prescribe drugs; 181

(2) For purposes of ~~section~~ sections 2925.61, 4723.488, 182
4729.44, 4730.431, and 4731.94 of the Revised Code, a written, 183
electronic, or oral order for naloxone issued to and in the name 184
of a family member, friend, or other individual in a position to 185
assist an individual who there is reason to believe is at risk 186
of experiencing an opioid-related overdose; 187

(3) For purposes of sections 4723.4810, 4729.282, 188
4730.432, and 4731.93 of the Revised Code, a written, 189
electronic, or oral order for a drug to treat chlamydia, 190
gonorrhea, or trichomoniasis issued to and in the name of a 191
patient who is not the intended user of the drug but is the 192
sexual partner of the intended user. 193

(I) "Licensed health professional authorized to prescribe 194
drugs" or "prescriber" means an individual who is authorized by 195
law to prescribe drugs or dangerous drugs or drug therapy 196
related devices in the course of the individual's professional 197
practice, including only the following: 198

(1) A dentist licensed under Chapter 4715. of the Revised 199
Code; 200

(2) A clinical nurse specialist, certified nurse-midwife, 201
or certified nurse practitioner who holds a certificate to 202
prescribe issued under section 4723.48 of the Revised Code; 203

(3) An optometrist licensed under Chapter 4725. of the 204
Revised Code to practice optometry under a therapeutic 205
pharmaceutical agents certificate; 206

(4) A physician authorized under Chapter 4731. of the 207
Revised Code to practice medicine and surgery, osteopathic 208

medicine and surgery, or podiatric medicine and surgery;	209
(5) A physician assistant who holds a license to practice as a physician assistant issued under Chapter 4730. of the Revised Code, holds a valid prescriber number issued by the state medical board, and has been granted physician-delegated prescriptive authority;	210 211 212 213 214
(6) A veterinarian licensed under Chapter 4741. of the Revised Code.	215 216
(J) "Sale" and "sell" include delivery, transfer, barter, exchange, or gift, or offer therefor, and each such transaction made by any person, whether as principal proprietor, agent, or employee.	217 218 219 220
(K) "Wholesale sale" and "sale at wholesale" mean any sale in which the purpose of the purchaser is to resell the article purchased or received by the purchaser.	221 222 223
(L) "Retail sale" and "sale at retail" mean any sale other than a wholesale sale or sale at wholesale.	224 225
(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.	226 227 228 229 230
(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:	231 232 233
(1) The proprietary name of the drug product;	234
(2) The established (generic) name of the drug product;	235

(3) The strength of the drug product if the product 236
contains a single active ingredient or if the drug product 237
contains more than one active ingredient and a relevant strength 238
can be associated with the product without indicating each 239
active ingredient. The established name and quantity of each 240
active ingredient are required if such a relevant strength 241
cannot be so associated with a drug product containing more than 242
one ingredient. 243

(4) The dosage form; 244

(5) The price charged for a specific quantity of the drug 245
product. The stated price shall include all charges to the 246
consumer, including, but not limited to, the cost of the drug 247
product, professional fees, handling fees, if any, and a 248
statement identifying professional services routinely furnished 249
by the pharmacy. Any mailing fees and delivery fees may be 250
stated separately without repetition. The information shall not 251
be false or misleading. 252

(O) "Wholesale distributor of dangerous drugs" means a 253
person engaged in the sale of dangerous drugs at wholesale and 254
includes any agent or employee of such a person authorized by 255
the person to engage in the sale of dangerous drugs at 256
wholesale. 257

(P) "Manufacturer of dangerous drugs" means a person, 258
other than a pharmacist, who manufactures dangerous drugs and 259
who is engaged in the sale of those dangerous drugs within this 260
state. 261

(Q) "Terminal distributor of dangerous drugs" means a 262
person who is engaged in the sale of dangerous drugs at retail, 263
or any person, other than a wholesale distributor or a 264

pharmacist, who has possession, custody, or control of dangerous 265
drugs for any purpose other than for that person's own use and 266
consumption, and includes pharmacies, hospitals, nursing homes, 267
and laboratories and all other persons who procure dangerous 268
drugs for sale or other distribution by or under the supervision 269
of a pharmacist or licensed health professional authorized to 270
prescribe drugs. 271

(R) "Promote to the public" means disseminating a 272
representation to the public in any manner or by any means, 273
other than by labeling, for the purpose of inducing, or that is 274
likely to induce, directly or indirectly, the purchase of a 275
dangerous drug at retail. 276

(S) "Person" includes any individual, partnership, 277
association, limited liability company, or corporation, the 278
state, any political subdivision of the state, and any district, 279
department, or agency of the state or its political 280
subdivisions. 281

(T) "Finished dosage form" has the same meaning as in 282
section 3715.01 of the Revised Code. 283

(U) "Generically equivalent drug" has the same meaning as 284
in section 3715.01 of the Revised Code. 285

(V) "Animal shelter" means a facility operated by a humane 286
society or any society organized under Chapter 1717. of the 287
Revised Code or a dog pound operated pursuant to Chapter 955. of 288
the Revised Code. 289

(W) "Food" has the same meaning as in section 3715.01 of 290
the Revised Code. 291

(X) "Pain management clinic" has the same meaning as in 292
section 4731.054 of the Revised Code. 293

Sec. 4729.282. (A) Notwithstanding any conflicting 294
provision of this chapter or rule adopted by the state board of 295
pharmacy, a pharmacist may do both of the following with respect 296
to a prescription issued under section 4723.4810, 4730.432, or 297
4731.93 of the Revised Code: 298

(1) Dispense a drug pursuant to the prescription; 299

(2) Label a drug dispensed pursuant to the prescription 300
without the name of the individual for whom the drug is intended 301
if the prescription contains the words "expedited partner 302
therapy" or the letters "EPT." 303

(B) For each drug dispensed under this section, the 304
pharmacist shall provide all of the following information: 305

(1) Directions for use of the drug; 306

(2) Any side effects, adverse reactions, or known 307
contraindications associated with the drug. 308

(C) A pharmacist who in good faith dispenses a drug under 309
this section is not liable for or subject to any of the 310
following: 311

(1) Damages in any civil action; 312

(2) Prosecution in any criminal proceeding; 313

(3) Professional disciplinary action. 314

(D) This section does not affect the authority of a 315
pharmacist to distribute information concerning a drug as 316
required by federal law. 317

Sec. 4730.432. (A) (1) Notwithstanding any conflicting 318
provision of this chapter or rule adopted by the state medical 319
board, a physician assistant who holds a valid prescriber number 320

issued by the board and has been granted physician-delegated 321
prescriptive authority may issue a prescription for or 322
personally furnish a complete or partial supply of a drug to 323
treat chlamydia, gonorrhea, or trichomoniasis without having 324
examined the individual for whom the drug is intended, if all of 325
the following conditions are met: 326

(a) The individual is a sexual partner of the physician 327
assistant's patient. 328

(b) The patient has been diagnosed with chlamydia, 329
gonorrhea, or trichomoniasis. 330

(c) The patient reports to the physician assistant that 331
the individual is unable or unlikely to be evaluated or treated 332
by a health professional. 333

(2) A prescription issued under this section shall include 334
the individual's name and address, if known. If the physician 335
assistant is unable to obtain the individual's name and address, 336
the prescription shall include the patient's name and address 337
and the words "expedited partner therapy" or the letters "EPT." 338

(3) A physician assistant may prescribe or personally 339
furnish a drug under this section for not more than a total of 340
two individuals who are sexual partners of the physician 341
assistant's patient. 342

(B) For each drug prescribed or personally furnished under 343
this section, the physician assistant shall do all of the 344
following: 345

(1) Provide the patient with information concerning the 346
drug for the purpose of sharing the information with the 347
individual, including directions for use of the drug and any 348
side effects, adverse reactions, or known contraindications 349

<u>associated with the drug;</u>	350
<u>(2) Recommend to the patient that the individual seek</u>	351
<u>treatment from a health professional;</u>	352
<u>(3) Document all of the following in the patient's record:</u>	353
<u>(a) The name of the drug prescribed or furnished and its</u>	354
<u>dosage;</u>	355
<u>(b) That information concerning the drug was provided to</u>	356
<u>the patient for the purpose of sharing the information with the</u>	357
<u>individual;</u>	358
<u>(c) If known, any adverse reactions the individual</u>	359
<u>experiences from treatment with the drug.</u>	360
<u>(C) A physician assistant who prescribes or personally</u>	361
<u>furnishes a drug under this section may contact the individual</u>	362
<u>for whom the drug is intended.</u>	363
<u>(1) If the physician assistant contacts the individual,</u>	364
<u>the physician assistant shall do all of the following:</u>	365
<u>(a) Inform the individual that the individual may have</u>	366
<u>been exposed to chlamydia, gonorrhea, or trichomoniasis;</u>	367
<u>(b) Encourage the individual to seek treatment from a</u>	368
<u>health professional;</u>	369
<u>(c) Explain the treatment options available to the</u>	370
<u>individual, including treatment with a prescription drug,</u>	371
<u>directions for use of the drug, and any side effects, adverse</u>	372
<u>reactions, or known contraindications associated with the drug;</u>	373
<u>(d) Document in the patient's record that the physician</u>	374
<u>assistant contacted the individual.</u>	375
<u>(2) If the physician assistant does not contact the</u>	376

individual, the physician assistant shall document that fact in 377
the patient's record. 378

(D) A physician assistant who in good faith prescribes or 379
personally furnishes a drug under this section is not liable for 380
or subject to any of the following: 381

(1) Damages in any civil action; 382

(2) Prosecution in any criminal proceeding; 383

(3) Professional disciplinary action. 384

Sec. 4731.93. (A) As used in this section, "physician" 385
means an individual authorized under this chapter to practice 386
medicine and surgery or osteopathic medicine and surgery. 387

(B) (1) Notwithstanding any conflicting provision of this 388
chapter or rule adopted by the state medical board, a physician 389
may issue a prescription for or personally furnish a complete or 390
partial supply of a drug to treat chlamydia, gonorrhea, or 391
trichomoniasis, without having examined the individual for whom 392
the drug is intended, if all of the following conditions are 393
met: 394

(a) The individual is a sexual partner of the physician's 395
patient. 396

(b) The patient has been diagnosed with chlamydia, 397
gonorrhea, or trichomoniasis. 398

(c) The patient reports to the physician that the 399
individual is unable or unlikely to be evaluated or treated by a 400
health professional. 401

(2) A prescription issued under this section shall include 402
the individual's name and address, if known. If the physician is 403

unable to obtain the individual's name and address, the 404
prescription shall include the patient's name and address and 405
the words "expedited partner therapy" or the letters "EPT." 406

(3) A physician may prescribe or personally furnish a drug 407
under this section for not more than a total of two individuals 408
who are sexual partners of the physician's patient. 409

(C) For each drug prescribed or personally furnished under 410
this section, the physician shall do all of the following: 411

(1) Provide the patient with information concerning the 412
drug for the purpose of sharing the information with the 413
individual, including directions for use of the drug and any 414
side effects, adverse reactions, or known contraindications 415
associated with the drug; 416

(2) Recommend to the patient that the individual seek 417
treatment from a health professional; 418

(3) Document all of the following in the patient's record: 419

(a) The name of the drug prescribed or furnished and its 420
dosage; 421

(b) That information concerning the drug was provided to 422
the patient for the purpose of sharing the information with the 423
individual; 424

(c) If known, any adverse reactions the individual 425
experiences from treatment with the drug. 426

(D) A physician who prescribes or personally furnishes a 427
drug under this section may contact the individual for whom the 428
drug is intended. 429

(1) If the physician contacts the individual, the 430

physician shall do all of the following: 431

(a) Inform the individual that the individual may have 432
been exposed to chlamydia, gonorrhea, or trichomoniasis; 433

(b) Encourage the individual to seek treatment from a 434
health professional; 435

(c) Explain the treatment options available to the 436
individual, including treatment with a prescription drug, 437
directions for use of the drug, and any side effects, adverse 438
reactions, or known contraindications associated with the drug; 439

(d) Document in the patient's record that the physician 440
contacted the individual. 441

(2) If the physician does not contact the individual, the 442
physician shall document that fact in the patient's record. 443

(E) A physician who in good faith prescribes or personally 444
furnishes a drug under this section is not liable for or subject 445
to any of the following: 446

(1) Damages in any civil action; 447

(2) Prosecution in any criminal proceeding; 448

(3) Professional disciplinary action. 449

Section 2. That existing section 4729.01 of the Revised 450
Code is hereby repealed. 451

Section 3. Section 4729.01 of the Revised Code is 452
presented in this act as a composite of the section as amended 453
by both Am. Sub. H.B. 4 and Sub. S.B. 110 of the 131st General 454
Assembly. The General Assembly, applying the principle stated in 455
division (B) of section 1.52 of the Revised Code that amendments 456
are to be harmonized if reasonably capable of simultaneous 457

operation, finds that the composite is the resulting version of	458
the section in effect prior to the effective date of the section	459
as presented in this act.	460