

**As Passed by the Senate**

**132nd General Assembly**

**Regular Session**

**2017-2018**

**Sub. S. B. No. 119**

**Senators Hackett, Hottinger**

**Cosponsors: Senators Beagle, Balderson, Brown, Burke, Dolan, Eklund, Gardner, Hoagland, Kunze, LaRose, Lehner, Manning, O'Brien, Oelslager, Peterson, Schiavoni, Terhar, Uecker, Wilson**

---

**A BILL**

To amend sections 4723.52, 4730.56, 4731.83, and 1  
5119.363, to amend, for the purpose of adopting 2  
a new section number as indicated in 3  
parentheses, section 3715.08 (3719.064), and to 4  
enact sections 3719.063 and 4729.283 of the 5  
Revised Code regarding naltrexone and 6  
medication-assisted treatment. 7

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

**Section 1.** That sections 4723.52, 4730.56, 4731.83, and 8  
5119.363 be amended, section 3715.08 (3719.064) be amended for 9  
the purpose of adopting a new section number as indicated in 10  
parentheses, and sections 3719.063 and 4729.283 of the Revised 11  
Code be enacted to read as follows: 12

**Sec. 3719.063.** In the absence of gross negligence or 13  
intentional misconduct, a person who administers the drug 14  
naltrexone by injection, the person's employer, and the facility 15  
at which the drug is administered are not liable in any civil 16  
action or subject to criminal prosecution or professional 17

discipline for any injury or damage caused by the injection or drug if all of the following conditions are met: 18  
19

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

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

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

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

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

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

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

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

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

**Sec. 3715.08 3719.064.** (A) As used in this section: 40

(1) "Medication-assisted treatment" has the same meaning as in section 340.01 of the Revised Code. 41  
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 form under this section, the pharmacist shall not dispense an amount that exceeds a five-day supply. 130  
131  
132

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

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

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

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

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

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

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

(E) A pharmacist shall exercise professional judgment in determining the number of times naltrexone may be dispensed 156  
157

under this section to the same patient. 158

(F) This section does not limit the authority of a 159  
pharmacist to dispense a dangerous drug under section 4729.281 160  
of the Revised Code. 161

**Sec. 4730.56.** (A) As used in this section: 162

(1) "Community addiction services provider" has the same 163  
meaning as in section 5119.01 of the Revised Code. 164

(2) "Medication-assisted treatment" has the same meaning 165  
as in section 340.01 of the Revised Code. 166

(B) A physician assistant shall comply with section 167  
~~3715.08~~3719.064 of the Revised Code and rules adopted under 168  
section 4730.55 of the Revised Code when treating a patient with 169  
medication-assisted treatment or proposing to initiate such 170  
treatment. 171

(C) A physician assistant who fails to comply with this 172  
section shall treat not more than thirty patients at any one 173  
time with medication-assisted treatment even if the facility or 174  
location at which the treatment is provided is either of the 175  
following: 176

(1) Exempted by divisions (B) (2) (a) to (d) of section 177  
4729.553 of the Revised Code from being required to possess a 178  
category III terminal distributor of dangerous drugs license 179  
with an office-based opioid treatment classification; 180

(2) A community addiction services provider that provides 181  
alcohol and drug addiction services that are certified by the 182  
department of mental health and addiction services under section 183  
5119.36 of the Revised Code. 184

**Sec. 4731.83.** (A) As used in this section: 185

(1) "Medication-assisted treatment" has the same meaning as in section 340.01 of the Revised Code.	186 187
(2) "Physician" means an individual authorized by this chapter to practice medicine and surgery or osteopathic medicine and surgery.	188 189 190
(B) A physician shall comply with section <del>3715.08</del> <u>3719.064</u> of the Revised Code and rules adopted under section 4731.056 of the Revised Code when treating a patient with medication-assisted treatment or proposing to initiate such treatment.	191 192 193 194
(C) A physician 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:	195 196 197 198
(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;	199 200 201 202
(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.	203 204 205 206
<b>Sec. 5119.363.</b> The director of mental health and addiction services shall adopt rules governing the duties of boards of alcohol, drug addiction, and mental health services under section 340.20 of the Revised Code and the duties of community addiction services providers under section 5119.362 of the Revised Code. The rules shall be adopted in accordance with Chapter 119. of the Revised Code.	207 208 209 210 211 212 213
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