

As Introduced

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H. B. No. 374

Representatives Sigrist, Abrams

Cosponsors: Representatives Lett, Synenberg, Brownlee, Somani, Baker,
Abdullahi, Jarrells, Thomas, C., Brennan, McNally, Rader, Brent, Mohamed,
Cockley, Russo, Grim, Piccolantonio, Sims, Miller, J., Upchurch

To amend section 5167.12 and to enact sections 1
3902.65, 4729.362, and 5164.093 of the Revised 2
Code regarding prescription drug readers for 3
visually impaired patients. 4

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

Section 1. That section 5167.12 be amended and sections 5
3902.65, 4729.362, and 5164.093 of the Revised Code be enacted 6
to read as follows: 7

Sec. 3902.65. (A) Notwithstanding section 3901.71 of the 8
Revised Code, a health benefit plan shall provide coverage for 9
prescription readers provided by a licensed terminal distributor 10
of dangerous drugs pursuant to section 4729.362 of the Revised 11
Code. 12

(B) As used in this section, "prescription reader" has the 13
same meaning as in section 4729.362 of the Revised Code. 14

Sec. 4729.362. (A) (1) Except as provided in division (B) 15
of this section, prior to selling a dangerous drug at retail, a 16
licensed terminal distributor of dangerous drugs shall provide 17

notice, in the manner specified in division (A) (2) of this 18
section, that a prescription reader can be made available. If 19
the person purchasing the drug requests a prescription reader, 20
the terminal distributor shall provide a prescription reader for 21
at least the duration of the prescription and shall ensure that 22
the label affixed to the container in which the drug is 23
dispensed is compatible with the prescription reader. 24

(2) A licensed terminal distributor shall provide the 25
notice required by division (A) (1) of this section as follows: 26

(a) For in-person transactions, the notice shall be 27
provided to the purchaser of the drug if the licensed terminal 28
distributor has reason to believe that the purchaser is blind or 29
visually impaired or is purchasing the drug on behalf of a 30
patient who is blind or visually impaired. 31

(b) For transactions in which the drug will be delivered 32
to a patient by mail, parcel post, or common carrier, the notice 33
shall be provided to the person purchasing the drug. 34

(B) This section does not apply in either of the following 35
circumstances: 36

(1) When the drug is personally furnished by a licensed 37
health professional authorized to prescribe drugs; 38

(2) When the licensed terminal distributor dispensing the 39
drug is any of the following: 40

(a) An institutional pharmacy; 41

(b) A pharmacy participating in the drug repository 42
program pursuant to section 3715.871 of the Revised Code, but 43
only if the drug being dispensed was donated or given under the 44
program; 45

(c) A pharmacy in a jail, state correctional institution, 46
federal correctional facility or complex, or juvenile detention 47
facility; 48

(d) A pharmacy operated by a government entity. 49

(C) This section does not affect any law relative to 50
labeling requirements for drugs. 51

(D) As used in this section: 52

(1) "Dangerous drug" has the same meaning as set forth in 53
division (F) of section 4729.01 of the Revised Code. 54

(2) "Institutional pharmacy" means a pharmacy that is part 55
of or is operated in conjunction with any of the following 56
health care facilities: an ambulatory surgical facility, nursing 57
home, residential care facility, freestanding rehabilitation 58
facility, hospice care program, home and community-based 59
services provider, or residential facility for individuals with 60
mental illness or developmental disabilities. "Institutional 61
pharmacy" includes both of the following: 62

(a) A pharmacy on the premises of a health care facility 63
identified in division (D) (2) of this section that provides a 64
system of distributing and supplying medication to the facility 65
or its patients, whether or not operated by the facility; 66

(b) A pharmacy off the premises of a health care facility 67
identified in division (D) (2) of this section that provides 68
services only to patients of one or more health care facilities. 69

(3) "Terminal distributor of dangerous drugs" has the same 70
meaning as set forth in division (Q) of section 4729.01 of the 71
Revised Code, and specifically includes retail pharmacies, as 72
well as mail-order or other pharmacies that deliver dangerous 73

drugs by mail, parcel post, or common carrier. 74

(4) "Prescription reader" means a device that audibly 75
conveys the information that is required by law or rule to be 76
contained on a label affixed to the container in which a 77
dangerous drug is dispensed for a patient who is visually 78
impaired or otherwise would have difficulty reading the label. 79
The information to be audibly conveyed shall include any 80
cautions that may be required by federal and state law and any 81
information regarding drug interactions, contraindications, and 82
side effects that are also provided to sighted patients and 83
patients who have no difficulty reading the label. 84

Sec. 5164.093. (A) The medicaid program shall cover 85
prescription readers provided by a licensed terminal distributor 86
of dangerous drugs pursuant to section 4729.362 of the Revised 87
Code. 88

(B) As used in this section, "prescription reader" has the 89
same meaning as in section 4729.362 of the Revised Code. 90

Sec. 5167.12. If prescribed drugs are included in the care 91
management system: 92

(A) Medicaid MCO plans may include strategies for the 93
management of drug utilization, but any such strategies are 94
subject to the limitations and requirements of this section and 95
the approval of the department of medicaid. 96

(B) A medicaid MCO plan shall not impose a prior 97
authorization requirement in the case of a drug to which all of 98
the following apply: 99

(1) The drug is an antidepressant or antipsychotic. 100

(2) The drug is administered or dispensed in a standard 101

tablet or capsule form, except that in the case of an 102
antipsychotic, the drug also may be administered or dispensed in 103
a long-acting injectable form. 104

(3) The drug is prescribed by any of the following: 105

(a) A physician who has registered the physician's 106
psychiatric specialty with the department; 107

(b) A psychiatrist who is practicing at a location on 108
behalf of a community mental health services provider whose 109
mental health services are certified by the department of mental 110
health and addiction services under section 5119.36 of the 111
Revised Code; 112

(c) A certified nurse practitioner, as defined in section 113
4723.01 of the Revised Code, who is certified in psychiatric 114
mental health by a national certifying organization approved by 115
the board of nursing under section 4723.46 of the Revised Code; 116

(d) A clinical nurse specialist, as defined in section 117
4723.01 of the Revised Code, who is certified in psychiatric 118
mental health by a national certifying organization approved by 119
the board of nursing under section 4723.46 of the Revised Code. 120

(4) The drug is prescribed for a use that is indicated on 121
the drug's labeling, as approved by the federal food and drug 122
administration. 123

(C) The department shall authorize a medicaid MCO plan to 124
include a pharmacy utilization management program under which 125
prior authorization through the program is established as a 126
condition of obtaining a controlled substance pursuant to a 127
prescription. 128

(D) Each medicaid managed care organization and medicaid 129

MCO plan shall comply with sections 5164.091, 5164.093, 5164.10, 130
5164.7511, 5164.7512, and 5164.7514 of the Revised Code as if 131
the organization were the department and the plan were the 132
medicaid program. 133

Section 2. That existing section 5167.12 of the Revised 134
Code is hereby repealed. 135

Section 3. Section 3902.65 of the Revised Code, as enacted 136
by this act, applies only to health benefit plans, as defined in 137
section 3922.01 of the Revised Code, delivered, issued for 138
delivery, modified, or renewed in this state on or after the 139
effective date of this section. 140