As Introduced

136th General Assembly
Regular Session **H. B. No. 629**
2025-2026

Representatives Barhorst, Gross

To amend sections 339.78, 339.81, 1751.91, 3923.89, 4729.01, and 4729.39 and to enact sections 4729.21 and 4729.211 of the Revised Code to authorize pharmacists to treat minor health conditions and to name this act the Pharmacist Prescribing Authority Act.

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

Section 1. That sections 339.78, 339.81, 1751.91, 3923.89, 4729.01, and 4729.39 be amended and sections 4729.21 and 4729.211 of the Revised Code be enacted to read as follows:

Sec. 339.78. (A) As used in this section, "health care provider" means any of the following:

(1) A physician;

(2) An advanced practice registered nurse licensed under Chapter 4723. of the Revised Code who is designated as a certified nurse practitioner, certified nurse-midwife, or clinical nurse specialist;

(3) A physician assistant licensed under Chapter 4730. of the Revised Code.

(B) When a ~~physician~~ health care provider completes

diagnostic studies confirming that an individual has tuberculosis, the ~~physician~~ health care provider shall report the confirmed case of tuberculosis to the county or district tuberculosis control unit. A ~~physician~~ health care provider shall make a report to the tuberculosis control unit prior to completion of diagnostic studies if the signs and symptoms demonstrated by an individual are sufficient for the ~~physician~~ health care provider to suspect that the individual has tuberculosis. At any time it is determined that an individual's tuberculosis is resistant to one or more drugs, the ~~physician~~ health care provider shall make a report to the unit.

The ~~physician~~ health care provider attending an individual with tuberculosis shall document the individual's adherence to the treatment regimen that the ~~physician~~ health care provider prescribes and make a report to the tuberculosis control unit if the individual does not adhere to the regimen.

In each report made under this division, the ~~physician~~ health care provider shall provide all information that the tuberculosis control unit requests. The information shall be provided at intervals specified by the tuberculosis control unit.

~~(B)~~ (C) In addition to accepting reports made by ~~physicians~~ health care providers under division ~~(A)~~ (B) of this section, a county or district tuberculosis control unit shall accept reports made as follows:

(1) The administrator of a hospital, clinic, or other facility that is providing services to an individual who is confirmed to have or is suspected of having tuberculosis shall report the case to the tuberculosis control unit;

(2) The administrator of a laboratory that performs tests for tuberculosis on human specimens shall report to the tuberculosis control unit each positive tuberculosis test result obtained;

(3) Any person who suspects that an individual has tuberculosis may report that suspicion to the tuberculosis control unit.

Sec. 339.81. Any information, data, and reports with respect to a case of tuberculosis that are furnished to, or procured by, a county or district tuberculosis control unit or the department of health shall be confidential and used only for statistical, scientific, and medical research for the purpose of controlling tuberculosis in this state. ~~No physician~~A health care provider as defined in section 339.78 of the Revised Code, hospital, or other entity furnishing information, data, or reports pursuant to this chapter shall not by reason of such furnishing be deemed to have violated any confidential relationship, be held to answer for willful betrayal of a professional confidence, or be held liable in damages to any person.

Sec. 1751.91. ~~A~~ (A) Except as provided in division (B) of this section, a health insuring corporation may provide payment or reimbursement to a pharmacist for providing a health care service to a patient if both of the following are the case:

~~(A)~~ (1) The pharmacist provided the health care service to the patient in accordance with Chapter 4729. of the Revised Code, including any of the following services:

~~(1)~~ (a) Managing drug therapy under a consult agreement pursuant to section 4729.39 of the Revised Code;

~~(2)~~ (b) Administering immunizations in accordance with section 4729.41 of the Revised Code;

~~(3)~~ (c) Administering drugs in accordance with section 4729.45 of the Revised Code.

~~(B)~~ (2) The patient's individual or group health insuring corporation policy, contract, or agreement provides for payment or reimbursement of the service.

(B) A health insuring corporation shall provide payment or reimbursement to a pharmacist for providing a health care service to a patient pursuant to section 4729.21 or 4729.211 of the Revised Code if the patient's individual or group health insuring corporation policy, contract, or agreement provides for payment or reimbursement of the service when provided by a licensed health professional authorized to prescribe drugs.

Sec. 3923.89. ~~A~~ (A) Except as provided in division (B) of this section, a sickness and accident insurer or public employee benefit plan may provide payment or reimbursement to a pharmacist for providing a health care service to a patient if both of the following are the case:

~~(A)~~ (1) The pharmacist provided the health care service to the patient in accordance with Chapter 4729. of the Revised Code, including any of the following services:

~~(1)~~ (a) Managing drug therapy under a consult agreement pursuant to section 4729.39 of the Revised Code;

~~(2)~~ (b) Administering immunizations in accordance with section 4729.41 of the Revised Code;

~~(3)~~ (c) Administering drugs in accordance with section 4729.45 of the Revised Code.

~~(B)~~ (2) The patient's individual or group policy of sickness and accident insurance or public employee benefit plan provides for payment or reimbursement of the service.

(B) A sickness and accident insurer or public employee benefit plan shall provide payment or reimbursement to a pharmacist for providing a health care service to a patient pursuant to section 4729.21 or 4729.211 of the Revised Code if the patient's individual or group policy of sickness and accident insurance or public employee benefit plan provides for payment or reimbursement of the service when provided by a licensed health professional authorized to prescribe drugs.

Sec. 4729.01. As used in this chapter:

(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.

(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:

(1) Interpreting prescriptions;

(2) Dispensing drugs and drug therapy related devices;

(3) Compounding drugs;

(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;

(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;

(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;

(7) Advising an individual and the health care professionals treating an individual with regard to the individual's drug therapy;

(8) Acting pursuant to a consult agreement, if an agreement has been established;

(9) Engaging in the administration of immunizations to the extent authorized by section 4729.41 of the Revised Code;

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

(11) Prescribing drugs and drug therapy related devices for the treatment of health conditions as authorized by section 4729.21 of the Revised Code;

(12) Prescribing and administering a tuberculin purified protein derivative product as authorized by section 4729.211 of the Revised Code.

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

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

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

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

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

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

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

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

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

(D) "Consult agreement" means an agreement that has been entered into under section 4729.39 of the Revised Code.

(E) "Drug" means:

(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;

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

(3) Any article, other than food, intended to affect the structure or any function of the body of humans or animals;

(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.

"Drug" does not include "hemp" or a "hemp product" as those terms are defined in section 928.01 of the Revised Code.

(F) "Dangerous drug" means any of the following:

(1) Any drug to which either of the following applies:

(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;

(b) Under Chapter 3715. or 3719. of the Revised Code, the drug may be dispensed only upon a prescription.

(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;

(3) Any drug intended for administration by injection into the human body other than through a natural orifice of the human body;

(4) Any drug that is a biological product, as defined in section 3715.01 of the Revised Code.

(G) "Federal drug abuse control laws" has the same meaning as in section 3719.01 of the Revised Code.

(H) "Prescription" means all of the following:

(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;

(2) 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, gonorrhea, 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;

(3) For purposes of sections 3313.7110, 3313.7111, 3314.143, 3326.28, 3328.29, 4723.483, 4729.88, 4730.433, 4731.96, and 5180.26 of the Revised Code, a written, electronic, or oral order for an epinephrine autoinjector issued to and in the name of a school, school district, or camp;

(4) For purposes of Chapter 3728. and sections 4723.483, 4729.88, 4730.433, and 4731.96 of the Revised Code, a written, electronic, or oral order for an epinephrine autoinjector issued to and in the name of a qualified entity, as defined in section

3728.01 of the Revised Code;

(5) For purposes of sections 3313.7115, 3313.7116, 3314.147, 3326.60, 3328.38, 4723.4811, 4730.437, 4731.92, and 5180.262 of the Revised Code, a written, electronic, or oral order for injectable or nasally administered glucagon in the name of a school, school district, or camp.

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

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

(2) A clinical nurse specialist, certified nurse-midwife, or certified nurse practitioner who holds a current, valid license issued under Chapter 4723. of the Revised Code to practice nursing as an advanced practice registered nurse;

(3) A certified registered nurse anesthetist who holds a current, valid license issued under Chapter 4723. of the Revised Code to practice nursing as an advanced practice registered nurse, but only to the extent of the nurse's authority under sections 4723.43 and 4723.434 of the Revised Code;

(4) An optometrist licensed under Chapter 4725. of the Revised Code to practice optometry;

(5) A physician authorized under Chapter 4731. of the Revised Code to practice medicine and surgery, osteopathic medicine and surgery, or podiatric medicine and surgery;

(6) 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;

(7) A veterinarian licensed under Chapter 4741. of the Revised Code;

(8) A certified mental health assistant licensed under Chapter 4772. of the Revised Code who has been granted physician-delegated prescriptive authority by the physician supervising the certified mental health assistant;

(9) A pharmacist who prescribes drugs or drug therapy related devices under section 4729.21 of the Revised Code, prescribes a tuberculin purified protein derivative product under section 4729.211 of the Revised Code, or adds a drug to a patient's drug therapy under section 4729.39 of the Revised Code.

(J) "Sale" or "sell" includes any transaction made by any person, whether as principal proprietor, agent, or employee, to do or offer to do any of the following: deliver, distribute, broker, exchange, gift or otherwise give away, or transfer, whether the transfer is by passage of title, physical movement, or both.

(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.

(L) "Retail sale" and "sale at retail" mean any sale other than a wholesale sale or sale at wholesale.

(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.

(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:

(1) The proprietary name of the drug product;

(2) The established (generic) name of the drug product;

(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.

(4) The dosage form;

(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.

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

of dangerous drugs at wholesale.

(P) "Manufacturer of dangerous drugs" or "manufacturer" means a person, other than a pharmacist or prescriber, who manufactures dangerous drugs and who is engaged in the sale of those dangerous drugs.

(Q) "Terminal distributor of dangerous drugs" or "terminal distributor" means a person who is engaged in the sale of dangerous drugs at retail, or any person, other than a manufacturer, repackager, outsourcing facility, third-party logistics provider, wholesale distributor, or pharmacist, who has possession, custody, or control of dangerous drugs for any purpose other than for that person's own use and consumption. "Terminal distributor" includes pharmacies, hospitals, nursing homes, and laboratories and all other persons who procure dangerous drugs for sale or other distribution by or under the supervision of a pharmacist, licensed health professional authorized to prescribe drugs, or other person authorized by the state board of pharmacy.

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

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

(T)(1) "Animal shelter" means a facility operated by a

humane society or any society organized under Chapter 1717. of the Revised Code or a dog pound operated pursuant to Chapter 955. of the Revised Code.

(2) "County dog warden" means a dog warden or deputy dog warden appointed or employed under section 955.12 of the Revised Code.

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

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

(W) "Investigational drug or product" means a drug or product that has successfully completed phase one of the United States food and drug administration clinical trials and remains under clinical trial, but has not been approved for general use by the United States food and drug administration. "Investigational drug or product" does not include controlled substances in schedule I, as defined in section 3719.01 of the Revised Code.

(X) "Product," when used in reference to an investigational drug or product, means a biological product, other than a drug, that is made from a natural human, animal, or microorganism source and is intended to treat a disease or medical condition.

(Y) "Third-party logistics provider" means a person that provides or coordinates warehousing or other logistics services pertaining to dangerous drugs including distribution, on behalf of a manufacturer, wholesale distributor, or terminal distributor of dangerous drugs, but does not take ownership of the drugs or have responsibility to direct the sale or

disposition of the drugs.

(Z) "Repackager of dangerous drugs" or "repackager" means a person that repacks and relabels dangerous drugs for sale or distribution.

(AA) "Outsourcing facility" means a facility that is engaged in the compounding and sale of sterile drugs and is registered as an outsourcing facility with the United States food and drug administration.

(BB) "Laboratory" means a laboratory licensed under this chapter as a terminal distributor of dangerous drugs and entrusted to have custody of any of the following drugs and to use the drugs for scientific and clinical purposes and for purposes of instruction: dangerous drugs that are not controlled substances, as defined in section 3719.01 of the Revised Code; dangerous drugs that are controlled substances, as defined in that section; and controlled substances in schedule I, as defined in that section.

(CC) "Overdose reversal drug" means both of the following:

(1) Naloxone;

(2) Any other drug that the state board of pharmacy, through rules adopted in accordance with Chapter 119. of the Revised Code, designates as a drug that is approved by the federal food and drug administration for the reversal of a known or suspected opioid-related overdose.

Sec. 4729.21. (A) As used in this section and sections 4729.211 and 4729.212 of the Revised Code, "health care provider" means any of the following:

(1) A physician authorized under Chapter 4731. of the

Revised Code to practice medicine and surgery or osteopathic medicine and surgery;

(2) An advanced practice registered nurse licensed under Chapter 4723. of the Revised Code who is designated as a certified nurse practitioner, certified nurse-midwife, or clinical nurse specialist;

(3) A physician assistant licensed under Chapter 4730. of the Revised Code.

(B) In accordance with a protocol that meets the requirements of division (E) of this section, a pharmacist may provide treatment and related services to individuals who are thirteen years of age or older for any of the following health conditions by engaging in the activities described in division (C) of this section:

(1) Influenza;

(2) Pharyngitis caused by the bacteria known as "group A Streptococcus";

(3) COVID;

(4) Bronchitis;

(5) Sinusitis;

(6) Lice;

(7) Skin conditions, including ringworm and athlete's foot;

(8) Urinary tract infections;

(9) HIV prevention, including pre-exposure and post-exposure prophylaxis;

(10) Any other minor or generally self-limiting condition specified in the protocol.

(C)(1) As part of providing treatment or related services for a health condition under this section, a pharmacist may do any of the following:

(a) Order or perform the laboratory or diagnostic tests or screenings described in division (D) of this section;

(b) Evaluate or interpret the results of the tests or screenings that the pharmacist ordered or performed;

(c) Subject to division (C)(2) of this section, prescribe drugs and drug therapy related devices, excluding any controlled substance.

(2)(a) For the treatment of athlete's foot, a pharmacist may prescribe only a drug that is to be administered topically.

(b) Prior to prescribing drugs and drug therapy related devices for the treatment of pharyngitis, a pharmacist shall order or perform a diagnostic test described in division (D)(1)(a) of this section.

(D)(1) A pharmacist may order or perform any of the following tests or screenings under this section if the pharmacist has received appropriate training regarding that test or screening according to rules adopted under this section:

(a) Any test that may guide clinical decision-making that qualifies for a waiver under the "Clinical Laboratory Improvement Amendments of 1988," 42 U.S.C. 263a, or the federal regulations adopted thereunder, as determined by the United States centers for medicare and medicaid services;

(b) Any established screening procedure that is specified

in rules adopted under this section.

(2) Notwithstanding any provision of the Revised Code to the contrary, a pharmacist may delegate technical and administrative tasks associated with performing a test described under division (D)(1)(a) of this section to any of the following who is working under the supervision of the pharmacist: a pharmacy intern, registered pharmacy technician, or certified pharmacy technician.

(E) All of the following apply with respect to the protocol required by division (B) of this section:

(1) The protocol shall be established by a health care provider who practices primarily within the forty-mile radius of the pharmacy where the protocol will be implemented. Once the protocol is established, the health care provider may authorize one or more pharmacists to use the protocol for the purpose of treating health conditions under this section.

(2) The protocol shall include particular terms and conditions imposed by the health care provider regarding the treatment and related services authorized by this section, including all of the following:

(a) Specific categories of patients who the pharmacist is authorized to test or screen;

(b) The health care provider's instructions for obtaining relevant patient medical history for the purpose of identifying disqualifying health conditions, adverse reactions, and contraindications to the approved course of treatment;

(c) The health care provider's instructions for treatment based on a patient's age, symptoms, and test and screening results, including negative results;

(d) Requirements related to notifying a patient's primary health care provider of tests and screenings ordered or performed and treatments provided;

(e) A requirement that the pharmacist provide the patient with written information to advise the patient to seek follow-up care from the patient's primary health care provider, or, if the patient does not have a primary health care provider, from the health care provider who established the protocol required by division (B) of this section or another primary care provider;

(f) Any other requirements or limitations established in rules adopted under this section.

(F) A pharmacy in which a pharmacist acts in accordance with this section shall prominently display signage indicating that any patient receiving treatment or related services under this section is advised to seek follow-up care from the patient's primary health care provider, or, if the patient does not have a primary health care provider, from the health care provider who established the protocol required by division (B) of this section or another primary health care provider.

(G) The state board of pharmacy, in consultation with the state medical board and board of nursing, shall adopt rules as necessary to implement this section, including rules regarding training for the performance of tests and screenings. The rules shall be adopted in accordance with Chapter 119. of the Revised Code.

(H) This section is an alternative to the authority granted by sections 4729.39 and 4729.42 of the Revised Code.

Sec. 4729.211. (A) Notwithstanding any other provision of the Revised Code to the contrary, a pharmacist, acting in good

faith, may prescribe and administer a tuberculin purified protein derivative product approved by the United States food and drug administration to a patient for the purpose of screening for tuberculosis infection, but only if the following conditions are met:

(1) Prior to prescribing and administering a tuberculin purified protein derivative product, the pharmacist has successfully completed a course on proper test administration and interpretation of results from the United States centers for disease control and prevention or a comparable course from a provider accredited by the accreditation council for pharmacy education, or a successor organization;

(2) The pharmacist agrees to follow the recommendations for Mantoux tuberculin skin testing from the United States centers for disease control and prevention regarding test administration and interpretation of results;

(3) The pharmacist maintains documentation of test results in the records of the pharmacy and agrees to make a copy of the results available to the patient upon request.

(B) If a patient is found to have a positive test result through a test administered under this section, both of the following apply:

(1) The pharmacist shall coordinate a timely referral to the patient's primary health care provider, if applicable, or to a health care provider or clinic located within a forty-mile radius of the patient's residence to coordinate further diagnostics and follow-up care;

(2) The pharmacist shall report the confirmed case of tuberculosis in the same manner that a health care provider is

required to report under section 339.78 of the Revised Code.

Sec. 4729.39. (A) As used in this section:

(1) "Certified nurse practitioner," "certified nurse-midwife," "clinical nurse specialist," and "standard care arrangement" have the same meanings as in section 4723.01 of the Revised Code.

(2) "Collaborating physician" means a physician who has entered into a standard care arrangement with a clinical nurse specialist, certified nurse-midwife, or certified nurse practitioner.

(3) "Physician" means an individual authorized under Chapter 4731. of the Revised Code to practice medicine and surgery or osteopathic medicine and surgery.

(4) "Physician assistant" means an individual who is licensed to practice as a physician assistant 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.

(5) "Supervising physician" means a physician who has entered into a supervision agreement with a physician assistant under section 4730.19 of the Revised Code.

(B) Subject to division (C) of this section, one or more pharmacists may enter into a consult agreement with one or more of the following practitioners:

(1) Physicians;

(2) Physician assistants, if entering into a consult agreement is authorized by one or more supervising physicians;

(3) Clinical nurse specialists, certified nurse-midwives, or certified nurse practitioners, if entering into a consult agreement is authorized by one or more collaborating physicians.

(C) Before entering into a consult agreement, all of the following conditions must be met:

(1) Each practitioner must have an ongoing practitioner-patient relationship with each patient whose drug therapy is to be managed.

(2) The diagnosis for which each patient has been prescribed drug therapy must be within the scope of each practitioner's practice.

(3) Each pharmacist must have training and experience related to the particular diagnosis for which drug therapy is to be prescribed.

(D) With respect to consult agreements, all of the following apply:

(1) Under a consult agreement, a pharmacist is authorized to do both of the following, but only to the extent specified in the agreement, this section, and the rules adopted under this section:

(a) Manage drug therapy for treatment of specified diagnoses or diseases for each patient who is subject to the agreement, including all of the following:

(i) Changing the duration of treatment for the current drug therapy;

(ii) Adjusting a drug's strength, dose, dosage form, frequency of administration, or route of administration;

(iii) Discontinuing the use of a drug;

(iv) Administering a drug;

(v) ~~Notwithstanding the definition of "licensed health professional authorized to prescribe drugs" in section 4729.01 of the Revised Code, adding~~ Adding a drug to the patient's drug therapy.

(b)(i) Order laboratory and diagnostic tests, including blood and urine tests, that are related to the drug therapy being managed, and evaluate the results of the tests that are ordered.

(ii) A pharmacist's authority to evaluate test results under division (D)(1)(b)(i) of this section does not authorize the pharmacist to make a diagnosis.

(2)(a) A consult agreement, or the portion of the agreement that applies to a particular patient, may be terminated by any of the following:

(i) A pharmacist who entered into the agreement;

(ii) A practitioner who entered into the agreement;

(iii) A patient whose drug therapy is being managed;

(iv) An individual who consented to the treatment on behalf of a patient or an individual authorized to act on behalf of a patient.

(b) The pharmacist or practitioner who receives the notice of a patient's termination of the agreement shall provide written notice to every other pharmacist or practitioner who is a party to the agreement. A pharmacist or practitioner who terminates a consult agreement with regard to one or more

patients shall provide written notice to all other pharmacists and practitioners who entered into the agreement and to each individual who consented to treatment under the agreement. The termination of a consult agreement with regard to one or more patients shall be recorded by the pharmacist and practitioner in the medical records of each patient to whom the termination applies.

(3) A consult agreement shall be made in writing and shall include all of the following:

(a) The diagnoses and diseases being managed under the agreement, including whether each disease is primary or comorbid;

(b) A description of the drugs or drug categories the agreement involves;

(c) A description of the procedures, decision criteria, and plan the pharmacist is to follow in acting under a consult agreement;

(d) A description of how the pharmacist is to comply with divisions (D)(5) and (6) of this section.

(4) The content of a consult agreement shall be communicated to each patient whose drug therapy is managed under the agreement.

(5) A pharmacist acting under a consult agreement shall maintain a record of each action taken for each patient whose drug therapy is managed under the agreement.

(6) Communication between a pharmacist and practitioner acting under a consult agreement shall take place at regular intervals specified by the primary practitioner acting under the

agreement. The agreement may include a requirement that a pharmacist send a consult report to each consulting practitioner.

(7) A consult agreement is effective for two years and may be renewed if the conditions specified in division (C) of this section continue to be met.

(8) A consult agreement does not permit a pharmacist to manage drug therapy prescribed by a practitioner who has not entered into the agreement.

(E) The state board of pharmacy, state medical board, and board of nursing shall each adopt rules as follows for its license holders establishing standards and procedures for entering into a consult agreement and managing a patient's drug therapy under a consult agreement:

(1) The state board of pharmacy, in consultation with the state medical board and board of nursing, shall adopt rules to be followed by pharmacists.

(2) The state medical board, in consultation with the state board of pharmacy, shall adopt rules to be followed by physicians and rules to be followed by physician assistants.

(3) The board of nursing, in consultation with the state board of pharmacy and state medical board, shall adopt rules to be followed by clinical nurse specialists, certified nurse-midwives, and certified nurse practitioners.

The boards shall specify in the rules any categories of drugs or types of diseases for which a consult agreement may not be established. Each board may adopt any other rules it considers necessary for the implementation and administration of this section. All rules adopted under this section shall be

adopted in accordance with Chapter 119. of the Revised Code.

(F)(1) Subject to division (F)(2) of this section, both of the following apply:

(a) A pharmacist acting in accordance with a consult agreement regarding a practitioner's change in a drug for a patient whose drug therapy the pharmacist is managing under the agreement is not liable in damages in a tort or other civil action for injury or loss to person or property allegedly arising from the change.

(b) A practitioner acting in accordance with a consult agreement regarding a pharmacist's change in a drug for a patient whose drug therapy the pharmacist is managing under a consult agreement is not liable in damages in a tort or other civil action for injury or loss to person or property allegedly arising from the change unless the practitioner authorized the specific change.

(2) Division (F)(1) of this section does not limit a practitioner's or pharmacist's liability in damages in a tort or other civil action for injury or loss to person or property allegedly arising from actions that are not related to the practitioner's or pharmacist's change in a drug for a patient whose drug therapy is being managed under a consult agreement.

Section 2. That existing sections 339.78, 339.81, 1751.91, 3923.89, 4729.01, and 4729.39 of the Revised Code are hereby repealed.

Section 3. Sections 1751.91 and 3923.89 of the Revised Code, as amended by this act, apply to contracts, policies, agreements, and plans that are delivered, issued for delivery, modified, or renewed on or after the effective date of this

section.

Section 4. This act shall be known as the Pharmacist Prescribing Authority Act.