

As Introduced

136th General Assembly

Regular Session

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H. B. No. 629

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.

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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:

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

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(1) A physician;

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(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;

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

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

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diagnostic studies confirming that an individual has 20
tuberculosis, the ~~physician~~-health care provider shall report 21
the confirmed case of tuberculosis to the county or district 22
tuberculosis control unit. A ~~physician~~-health care provider 23
shall make a report to the tuberculosis control unit prior to 24
completion of diagnostic studies if the signs and symptoms 25
demonstrated by an individual are sufficient for the ~~physician~~- 26
health care provider to suspect that the individual has 27
tuberculosis. At any time it is determined that an individual's 28
tuberculosis is resistant to one or more drugs, the ~~physician~~- 29
health care provider shall make a report to the unit. 30

The ~~physician~~-health care provider attending an individual 31
with tuberculosis shall document the individual's adherence to 32
the treatment regimen that the ~~physician~~-health care provider 33
prescribes and make a report to the tuberculosis control unit if 34
the individual does not adhere to the regimen. 35

In each report made under this division, the ~~physician~~- 36
health care provider shall provide all information that the 37
tuberculosis control unit requests. The information shall be 38
provided at intervals specified by the tuberculosis control 39
unit. 40

~~(B)~~ (C) In addition to accepting reports made by ~~physicians~~ 41
health care providers under division ~~(A)~~ (B) of this section, a 42
county or district tuberculosis control unit shall accept 43
reports made as follows: 44

(1) The administrator of a hospital, clinic, or other 45
facility that is providing services to an individual who is 46
confirmed to have or is suspected of having tuberculosis shall 47
report the case to the tuberculosis control unit; 48

(2) The administrator of a laboratory that performs tests 49
for tuberculosis on human specimens shall report to the 50
tuberculosis control unit each positive tuberculosis test result 51
obtained; 52

(3) Any person who suspects that an individual has 53
tuberculosis may report that suspicion to the tuberculosis 54
control unit. 55

Sec. 339.81. Any information, data, and reports with 56
respect to a case of tuberculosis that are furnished to, or 57
procured by, a county or district tuberculosis control unit or 58
the department of health shall be confidential and used only for 59
statistical, scientific, and medical research for the purpose of 60
controlling tuberculosis in this state. ~~No physician~~ A health 61
care provider as defined in section 339.78 of the Revised Code, 62
hospital, or other entity furnishing information, data, or 63
reports pursuant to this chapter shall not by reason of such 64
furnishing be deemed to have violated any confidential 65
relationship, be held to answer for willful betrayal of a 66
professional confidence, or be held liable in damages to any 67
person. 68

Sec. 1751.91. ~~A—~~ (A) Except as provided in division (B) of 69
this section, a health insuring corporation may provide payment 70
or reimbursement to a pharmacist for providing a health care 71
service to a patient if both of the following are the case: 72

~~(A)—~~ (1) The pharmacist provided the health care service to 73
the patient in accordance with Chapter 4729. of the Revised 74
Code, including any of the following services: 75

~~(1)—~~ (a) Managing drug therapy under a consult agreement 76
pursuant to section 4729.39 of the Revised Code; 77

(2) —(b) Administering immunizations in accordance with	78
section 4729.41 of the Revised Code;	79
(3) —(c) Administering drugs in accordance with section	80
4729.45 of the Revised Code.	81
(B) —(2) The patient's individual or group health insuring	82
corporation policy, contract, or agreement provides for payment	83
or reimbursement of the service.	84
<u>(B) A health insuring corporation shall provide payment or</u>	85
<u>reimbursement to a pharmacist for providing a health care</u>	86
<u>service to a patient pursuant to section 4729.21 or 4729.211 of</u>	87
<u>the Revised Code if the patient's individual or group health</u>	88
<u>insuring corporation policy, contract, or agreement provides for</u>	89
<u>payment or reimbursement of the service when provided by a</u>	90
<u>licensed health professional authorized to prescribe drugs.</u>	91
Sec. 3923.89. A— <u>(A) Except as provided in division (B) of</u>	92
<u>this section, a sickness and accident insurer or public employee</u>	93
<u>benefit plan may provide payment or reimbursement to a</u>	94
<u>pharmacist for providing a health care service to a patient if</u>	95
<u>both of the following are the case:</u>	96
(A) —(1) The pharmacist provided the health care service to	97
the patient in accordance with Chapter 4729. of the Revised	98
Code, including any of the following services:	99
(1) —(a) Managing drug therapy under a consult agreement	100
pursuant to section 4729.39 of the Revised Code;	101
(2) —(b) Administering immunizations in accordance with	102
section 4729.41 of the Revised Code;	103
(3) —(c) Administering drugs in accordance with section	104
4729.45 of the Revised Code.	105

~~(B) —~~ (2) The patient's individual or group policy of 106
sickness and accident insurance or public employee benefit plan 107
provides for payment or reimbursement of the service. 108

(B) A sickness and accident insurer or public employee 109
benefit plan shall provide payment or reimbursement to a 110
pharmacist for providing a health care service to a patient 111
pursuant to section 4729.21 or 4729.211 of the Revised Code if 112
the patient's individual or group policy of sickness and 113
accident insurance or public employee benefit plan provides for 114
payment or reimbursement of the service when provided by a 115
licensed health professional authorized to prescribe drugs. 116

Sec. 4729.01. As used in this chapter: 117

(A) "Pharmacy," except when used in a context that refers 118
to the practice of pharmacy, means any area, room, rooms, place 119
of business, department, or portion of any of the foregoing 120
where the practice of pharmacy is conducted. 121

(B) "Practice of pharmacy" means providing pharmacist care 122
requiring specialized knowledge, judgment, and skill derived 123
from the principles of biological, chemical, behavioral, social, 124
pharmaceutical, and clinical sciences. As used in this division, 125
"pharmacist care" includes the following: 126

(1) Interpreting prescriptions; 127

(2) Dispensing drugs and drug therapy related devices; 128

(3) Compounding drugs; 129

(4) Counseling individuals with regard to their drug 130
therapy, recommending drug therapy related devices, and 131
assisting in the selection of drugs and appliances for treatment 132
of common diseases and injuries and providing instruction in the 133

proper use of the drugs and appliances; 134

(5) Performing drug regimen reviews with individuals by 135
discussing all of the drugs that the individual is taking and 136
explaining the interactions of the drugs; 137

(6) Performing drug utilization reviews with licensed 138
health professionals authorized to prescribe drugs when the 139
pharmacist determines that an individual with a prescription has 140
a drug regimen that warrants additional discussion with the 141
prescriber; 142

(7) Advising an individual and the health care 143
professionals treating an individual with regard to the 144
individual's drug therapy; 145

(8) Acting pursuant to a consult agreement, if an 146
agreement has been established; 147

(9) Engaging in the administration of immunizations to the 148
extent authorized by section 4729.41 of the Revised Code; 149

(10) Engaging in the administration of drugs to the extent 150
authorized by section 4729.45 of the Revised Code; 151

(11) Prescribing drugs and drug therapy related devices 152
for the treatment of health conditions as authorized by section 153
4729.21 of the Revised Code; 154

(12) Prescribing and administering a tuberculin purified 155
protein derivative product as authorized by section 4729.211 of 156
the Revised Code. 157

(C) "Compounding" means the preparation, mixing, 158
assembling, packaging, and labeling of one or more drugs in any 159
of the following circumstances: 160

- (1) Pursuant to a prescription issued by a licensed health professional authorized to prescribe drugs; 161
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- (2) Pursuant to the modification of a prescription made in accordance with a consult agreement; 163
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- (3) As an incident to research, teaching activities, or chemical analysis; 165
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- (4) In anticipation of orders for drugs pursuant to prescriptions, based on routine, regularly observed dispensing patterns; 167
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- (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: 170
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- (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. 175
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- (b) A limited quantity of the drug is compounded and provided to the professional. 180
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- (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. 182
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- (D) "Consult agreement" means an agreement that has been entered into under section 4729.39 of the Revised Code. 185
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- (E) "Drug" means: 187

(1) Any article recognized in the United States 188
pharmacopoeia and national formulary, or any supplement to them, 189
intended for use in the diagnosis, cure, mitigation, treatment, 190
or prevention of disease in humans or animals; 191

(2) Any other article intended for use in the diagnosis, 192
cure, mitigation, treatment, or prevention of disease in humans 193
or animals; 194

(3) Any article, other than food, intended to affect the 195
structure or any function of the body of humans or animals; 196

(4) Any article intended for use as a component of any 197
article specified in division (E) (1), (2), or (3) of this 198
section; but does not include devices or their components, 199
parts, or accessories. 200

"Drug" does not include "hemp" or a "hemp product" as 201
those terms are defined in section 928.01 of the Revised Code. 202

(F) "Dangerous drug" means any of the following: 203

(1) Any drug to which either of the following applies: 204

(a) Under the "Federal Food, Drug, and Cosmetic Act," 52 205
Stat. 1040 (1938), 21 U.S.C.A. 301, as amended, the drug is 206
required to bear a label containing the legend "Caution: Federal 207
law prohibits dispensing without prescription" or "Caution: 208
Federal law restricts this drug to use by or on the order of a 209
licensed veterinarian" or any similar restrictive statement, or 210
the drug may be dispensed only upon a prescription; 211

(b) Under Chapter 3715. or 3719. of the Revised Code, the 212
drug may be dispensed only upon a prescription. 213

(2) Any drug that contains a schedule V controlled 214
substance and that is exempt from Chapter 3719. of the Revised 215

Code or to which that chapter does not apply; 216

(3) Any drug intended for administration by injection into 217
the human body other than through a natural orifice of the human 218
body; 219

(4) Any drug that is a biological product, as defined in 220
section 3715.01 of the Revised Code. 221

(G) "Federal drug abuse control laws" has the same meaning 222
as in section 3719.01 of the Revised Code. 223

(H) "Prescription" means all of the following: 224

(1) A written, electronic, or oral order for drugs or 225
combinations or mixtures of drugs to be used by a particular 226
individual or for treating a particular animal, issued by a 227
licensed health professional authorized to prescribe drugs; 228

(2) For purposes of sections 4723.4810, 4729.282, 229
4730.432, and 4731.93 of the Revised Code, a written, 230
electronic, or oral order for a drug to treat chlamydia, 231
gonorrhea, or trichomoniasis issued to and in the name of a 232
patient who is not the intended user of the drug but is the 233
sexual partner of the intended user; 234

(3) For purposes of sections 3313.7110, 3313.7111, 235
3314.143, 3326.28, 3328.29, 4723.483, 4729.88, 4730.433, 236
4731.96, and 5180.26 of the Revised Code, a written, electronic, 237
or oral order for an epinephrine autoinjector issued to and in 238
the name of a school, school district, or camp; 239

(4) For purposes of Chapter 3728. and sections 4723.483, 240
4729.88, 4730.433, and 4731.96 of the Revised Code, a written, 241
electronic, or oral order for an epinephrine autoinjector issued 242
to and in the name of a qualified entity, as defined in section 243

3728.01 of the Revised Code;	244
(5) For purposes of sections 3313.7115, 3313.7116,	245
3314.147, 3326.60, 3328.38, 4723.4811, 4730.437, 4731.92, and	246
5180.262 of the Revised Code, a written, electronic, or oral	247
order for injectable or nasally administered glucagon in the	248
name of a school, school district, or camp.	249
(I) "Licensed health professional authorized to prescribe	250
drugs" or "prescriber" means an individual who is authorized by	251
law to prescribe drugs or dangerous drugs or drug therapy	252
related devices in the course of the individual's professional	253
practice, including only the following:	254
(1) A dentist licensed under Chapter 4715. of the Revised	255
Code;	256
(2) A clinical nurse specialist, certified nurse-midwife,	257
or certified nurse practitioner who holds a current, valid	258
license issued under Chapter 4723. of the Revised Code to	259
practice nursing as an advanced practice registered nurse;	260
(3) A certified registered nurse anesthetist who holds a	261
current, valid license issued under Chapter 4723. of the Revised	262
Code to practice nursing as an advanced practice registered	263
nurse, but only to the extent of the nurse's authority under	264
sections 4723.43 and 4723.434 of the Revised Code;	265
(4) An optometrist licensed under Chapter 4725. of the	266
Revised Code to practice optometry;	267
(5) A physician authorized under Chapter 4731. of the	268
Revised Code to practice medicine and surgery, osteopathic	269
medicine and surgery, or podiatric medicine and surgery;	270
(6) A physician assistant who holds a license to practice	271

as a physician assistant issued under Chapter 4730. of the 272
Revised Code, holds a valid prescriber number issued by the 273
state medical board, and has been granted physician-delegated 274
prescriptive authority; 275

(7) A veterinarian licensed under Chapter 4741. of the 276
Revised Code; 277

(8) A certified mental health assistant licensed under 278
Chapter 4772. of the Revised Code who has been granted 279
physician-delegated prescriptive authority by the physician 280
supervising the certified mental health assistant; 281

(9) A pharmacist who prescribes drugs or drug therapy 282
related devices under section 4729.21 of the Revised Code, 283
prescribes a tuberculin purified protein derivative product 284
under section 4729.211 of the Revised Code, or adds a drug to a 285
patient's drug therapy under section 4729.39 of the Revised 286
Code. 287

(J) "Sale" or "sell" includes any transaction made by any 288
person, whether as principal proprietor, agent, or employee, to 289
do or offer to do any of the following: deliver, distribute, 290
broker, exchange, gift or otherwise give away, or transfer, 291
whether the transfer is by passage of title, physical movement, 292
or both. 293

(K) "Wholesale sale" and "sale at wholesale" mean any sale 294
in which the purpose of the purchaser is to resell the article 295
purchased or received by the purchaser. 296

(L) "Retail sale" and "sale at retail" mean any sale other 297
than a wholesale sale or sale at wholesale. 298

(M) "Retail seller" means any person that sells any 299
dangerous drug to consumers without assuming control over and 300

responsibility for its administration. Mere advice or 301
instructions regarding administration do not constitute control 302
or establish responsibility. 303

(N) "Price information" means the price charged for a 304
prescription for a particular drug product and, in an easily 305
understandable manner, all of the following: 306

(1) The proprietary name of the drug product; 307

(2) The established (generic) name of the drug product; 308

(3) The strength of the drug product if the product 309
contains a single active ingredient or if the drug product 310
contains more than one active ingredient and a relevant strength 311
can be associated with the product without indicating each 312
active ingredient. The established name and quantity of each 313
active ingredient are required if such a relevant strength 314
cannot be so associated with a drug product containing more than 315
one ingredient. 316

(4) The dosage form; 317

(5) The price charged for a specific quantity of the drug 318
product. The stated price shall include all charges to the 319
consumer, including, but not limited to, the cost of the drug 320
product, professional fees, handling fees, if any, and a 321
statement identifying professional services routinely furnished 322
by the pharmacy. Any mailing fees and delivery fees may be 323
stated separately without repetition. The information shall not 324
be false or misleading. 325

(O) "Wholesale distributor of dangerous drugs" or 326
"wholesale distributor" means a person engaged in the sale of 327
dangerous drugs at wholesale and includes any agent or employee 328
of such a person authorized by the person to engage in the sale 329

of dangerous drugs at wholesale. 330

(P) "Manufacturer of dangerous drugs" or "manufacturer" 331
means a person, other than a pharmacist or prescriber, who 332
manufactures dangerous drugs and who is engaged in the sale of 333
those dangerous drugs. 334

(Q) "Terminal distributor of dangerous drugs" or "terminal 335
distributor" means a person who is engaged in the sale of 336
dangerous drugs at retail, or any person, other than a 337
manufacturer, repackager, outsourcing facility, third-party 338
logistics provider, wholesale distributor, or pharmacist, who 339
has possession, custody, or control of dangerous drugs for any 340
purpose other than for that person's own use and consumption. 341
"Terminal distributor" includes pharmacies, hospitals, nursing 342
homes, and laboratories and all other persons who procure 343
dangerous drugs for sale or other distribution by or under the 344
supervision of a pharmacist, licensed health professional 345
authorized to prescribe drugs, or other person authorized by the 346
state board of pharmacy. 347

(R) "Promote to the public" means disseminating a 348
representation to the public in any manner or by any means, 349
other than by labeling, for the purpose of inducing, or that is 350
likely to induce, directly or indirectly, the purchase of a 351
dangerous drug at retail. 352

(S) "Person" includes any individual, partnership, 353
association, limited liability company, or corporation, the 354
state, any political subdivision of the state, and any district, 355
department, or agency of the state or its political 356
subdivisions. 357

(T) (1) "Animal shelter" means a facility operated by a 358

humane society or any society organized under Chapter 1717. of 359
the Revised Code or a dog pound operated pursuant to Chapter 360
955. of the Revised Code. 361

(2) "County dog warden" means a dog warden or deputy dog 362
warden appointed or employed under section 955.12 of the Revised 363
Code. 364

(U) "Food" has the same meaning as in section 3715.01 of 365
the Revised Code. 366

(V) "Pain management clinic" has the same meaning as in 367
section 4731.054 of the Revised Code. 368

(W) "Investigational drug or product" means a drug or 369
product that has successfully completed phase one of the United 370
States food and drug administration clinical trials and remains 371
under clinical trial, but has not been approved for general use 372
by the United States food and drug administration. 373
"Investigational drug or product" does not include controlled 374
substances in schedule I, as defined in section 3719.01 of the 375
Revised Code. 376

(X) "Product," when used in reference to an 377
investigational drug or product, means a biological product, 378
other than a drug, that is made from a natural human, animal, or 379
microorganism source and is intended to treat a disease or 380
medical condition. 381

(Y) "Third-party logistics provider" means a person that 382
provides or coordinates warehousing or other logistics services 383
pertaining to dangerous drugs including distribution, on behalf 384
of a manufacturer, wholesale distributor, or terminal 385
distributor of dangerous drugs, but does not take ownership of 386
the drugs or have responsibility to direct the sale or 387

disposition of the drugs. 388

(Z) "Repackager of dangerous drugs" or "repackager" means 389
a person that repacks and relabels dangerous drugs for sale or 390
distribution. 391

(AA) "Outsourcing facility" means a facility that is 392
engaged in the compounding and sale of sterile drugs and is 393
registered as an outsourcing facility with the United States 394
food and drug administration. 395

(BB) "Laboratory" means a laboratory licensed under this 396
chapter as a terminal distributor of dangerous drugs and 397
entrusted to have custody of any of the following drugs and to 398
use the drugs for scientific and clinical purposes and for 399
purposes of instruction: dangerous drugs that are not controlled 400
substances, as defined in section 3719.01 of the Revised Code; 401
dangerous drugs that are controlled substances, as defined in 402
that section; and controlled substances in schedule I, as 403
defined in that section. 404

(CC) "Overdose reversal drug" means both of the following: 405

(1) Naloxone; 406

(2) Any other drug that the state board of pharmacy, 407
through rules adopted in accordance with Chapter 119. of the 408
Revised Code, designates as a drug that is approved by the 409
federal food and drug administration for the reversal of a known 410
or suspected opioid-related overdose. 411

Sec. 4729.21. (A) As used in this section and sections 412
4729.211 and 4729.212 of the Revised Code, "health care 413
provider" means any of the following: 414

(1) A physician authorized under Chapter 4731. of the 415

Revised Code to practice medicine and surgery or osteopathic 416
medicine and surgery; 417

(2) An advanced practice registered nurse licensed under 418
Chapter 4723. of the Revised Code who is designated as a 419
certified nurse practitioner, certified nurse-midwife, or 420
clinical nurse specialist; 421

(3) A physician assistant licensed under Chapter 4730. of 422
the Revised Code. 423

(B) In accordance with a protocol that meets the 424
requirements of division (E) of this section, a pharmacist may 425
provide treatment and related services to individuals who are 426
thirteen years of age or older for any of the following health 427
conditions by engaging in the activities described in division 428
(C) of this section: 429

(1) Influenza; 430

(2) Pharyngitis caused by the bacteria known as "group A 431
Streptococcus"; 432

(3) COVID; 433

(4) Bronchitis; 434

(5) Sinusitis; 435

(6) Lice; 436

(7) Skin conditions, including ringworm and athlete's 437
foot; 438

(8) Urinary tract infections; 439

(9) HIV prevention, including pre-exposure and post- 440
exposure prophylaxis; 441

(10) Any other minor or generally self-limiting condition 442
specified in the protocol. 443

(C) (1) As part of providing treatment or related services 444
for a health condition under this section, a pharmacist may do 445
any of the following: 446

(a) Order or perform the laboratory or diagnostic tests or 447
screenings described in division (D) of this section; 448

(b) Evaluate or interpret the results of the tests or 449
screenings that the pharmacist ordered or performed; 450

(c) Subject to division (C) (2) of this section, prescribe 451
drugs and drug therapy related devices, excluding any controlled 452
substance. 453

(2) (a) For the treatment of athlete's foot, a pharmacist 454
may prescribe only a drug that is to be administered topically. 455

(b) Prior to prescribing drugs and drug therapy related 456
devices for the treatment of pharyngitis, a pharmacist shall 457
order or perform a diagnostic test described in division (D) (1) 458
(a) of this section. 459

(D) (1) A pharmacist may order or perform any of the 460
following tests or screenings under this section if the 461
pharmacist has received appropriate training regarding that test 462
or screening according to rules adopted under this section: 463

(a) Any test that may guide clinical decision-making that 464
qualifies for a waiver under the "Clinical Laboratory 465
Improvement Amendments of 1988," 42 U.S.C. 263a, or the federal 466
regulations adopted thereunder, as determined by the United 467
States centers for medicare and medicaid services; 468

(b) Any established screening procedure that is specified 469

in rules adopted under this section.

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(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.

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

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(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.

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(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:

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

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(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;

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

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(d) Requirements related to notifying a patient's primary 499
health care provider of tests and screenings ordered or 500
performed and treatments provided; 501

(e) A requirement that the pharmacist provide the patient 502
with written information to advise the patient to seek follow-up 503
care from the patient's primary health care provider, or, if the 504
patient does not have a primary health care provider, from the 505
health care provider who established the protocol required by 506
division (B) of this section or another primary care provider; 507

(f) Any other requirements or limitations established in 508
rules adopted under this section. 509

(F) A pharmacy in which a pharmacist acts in accordance 510
with this section shall prominently display signage indicating 511
that any patient receiving treatment or related services under 512
this section is advised to seek follow-up care from the 513
patient's primary health care provider, or, if the patient does 514
not have a primary health care provider, from the health care 515
provider who established the protocol required by division (B) 516
of this section or another primary health care provider. 517

(G) The state board of pharmacy, in consultation with the 518
state medical board and board of nursing, shall adopt rules as 519
necessary to implement this section, including rules regarding 520
training for the performance of tests and screenings. The rules 521
shall be adopted in accordance with Chapter 119. of the Revised 522
Code. 523

(H) This section is an alternative to the authority 524
granted by sections 4729.39 and 4729.42 of the Revised Code. 525

Sec. 4729.211. (A) Notwithstanding any other provision of 526
the Revised Code to the contrary, a pharmacist, acting in good 527

faith, may prescribe and administer a tuberculin purified 528
protein derivative product approved by the United States food 529
and drug administration to a patient for the purpose of 530
screening for tuberculosis infection, but only if the following 531
conditions are met: 532

(1) Prior to prescribing and administering a tuberculin 533
purified protein derivative product, the pharmacist has 534
successfully completed a course on proper test administration 535
and interpretation of results from the United States centers for 536
disease control and prevention or a comparable course from a 537
provider accredited by the accreditation council for pharmacy 538
education, or a successor organization; 539

(2) The pharmacist agrees to follow the recommendations 540
for Mantoux tuberculin skin testing from the United States 541
centers for disease control and prevention regarding test 542
administration and interpretation of results; 543

(3) The pharmacist maintains documentation of test results 544
in the records of the pharmacy and agrees to make a copy of the 545
results available to the patient upon request. 546

(B) If a patient is found to have a positive test result 547
through a test administered under this section, both of the 548
following apply: 549

(1) The pharmacist shall coordinate a timely referral to 550
the patient's primary health care provider, if applicable, or to 551
a health care provider or clinic located within a forty-mile 552
radius of the patient's residence to coordinate further 553
diagnostics and follow-up care; 554

(2) The pharmacist shall report the confirmed case of 555
tuberculosis in the same manner that a health care provider is 556

required to report under section 339.78 of the Revised Code. 557

Sec. 4729.39. (A) As used in this section: 558

(1) "Certified nurse practitioner," "certified nurse- 559
midwife," "clinical nurse specialist," and "standard care 560
arrangement" have the same meanings as in section 4723.01 of the 561
Revised Code. 562

(2) "Collaborating physician" means a physician who has 563
entered into a standard care arrangement with a clinical nurse 564
specialist, certified nurse-midwife, or certified nurse 565
practitioner. 566

(3) "Physician" means an individual authorized under 567
Chapter 4731. of the Revised Code to practice medicine and 568
surgery or osteopathic medicine and surgery. 569

(4) "Physician assistant" means an individual who is 570
licensed to practice as a physician assistant under Chapter 571
4730. of the Revised Code, holds a valid prescriber number 572
issued by the state medical board, and has been granted 573
physician-delegated prescriptive authority. 574

(5) "Supervising physician" means a physician who has 575
entered into a supervision agreement with a physician assistant 576
under section 4730.19 of the Revised Code. 577

(B) Subject to division (C) of this section, one or more 578
pharmacists may enter into a consult agreement with one or more 579
of the following practitioners: 580

(1) Physicians; 581

(2) Physician assistants, if entering into a consult 582
agreement is authorized by one or more supervising physicians; 583

(3) Clinical nurse specialists, certified nurse-midwives, 584
or certified nurse practitioners, if entering into a consult 585
agreement is authorized by one or more collaborating physicians. 586

(C) Before entering into a consult agreement, all of the 587
following conditions must be met: 588

(1) Each practitioner must have an ongoing practitioner- 589
patient relationship with each patient whose drug therapy is to 590
be managed. 591

(2) The diagnosis for which each patient has been 592
prescribed drug therapy must be within the scope of each 593
practitioner's practice. 594

(3) Each pharmacist must have training and experience 595
related to the particular diagnosis for which drug therapy is to 596
be prescribed. 597

(D) With respect to consult agreements, all of the 598
following apply: 599

(1) Under a consult agreement, a pharmacist is authorized 600
to do both of the following, but only to the extent specified in 601
the agreement, this section, and the rules adopted under this 602
section: 603

(a) Manage drug therapy for treatment of specified 604
diagnoses or diseases for each patient who is subject to the 605
agreement, including all of the following: 606

(i) Changing the duration of treatment for the current 607
drug therapy; 608

(ii) Adjusting a drug's strength, dose, dosage form, 609
frequency of administration, or route of administration; 610

(iii) Discontinuing the use of a drug; 611

(iv) Administering a drug; 612

(v) ~~Notwithstanding the definition of "licensed health-~~ 613
~~professional authorized to prescribe drugs" in section 4729.01-~~ 614
~~of the Revised Code, adding~~ Adding a drug to the patient's drug 615
therapy. 616

(b) (i) Order laboratory and diagnostic tests, including 617
blood and urine tests, that are related to the drug therapy 618
being managed, and evaluate the results of the tests that are 619
ordered. 620

(ii) A pharmacist's authority to evaluate test results 621
under division (D) (1) (b) (i) of this section does not authorize 622
the pharmacist to make a diagnosis. 623

(2) (a) A consult agreement, or the portion of the 624
agreement that applies to a particular patient, may be 625
terminated by any of the following: 626

(i) A pharmacist who entered into the agreement; 627

(ii) A practitioner who entered into the agreement; 628

(iii) A patient whose drug therapy is being managed; 629

(iv) An individual who consented to the treatment on 630
behalf of a patient or an individual authorized to act on behalf 631
of a patient. 632

(b) The pharmacist or practitioner who receives the notice 633
of a patient's termination of the agreement shall provide 634
written notice to every other pharmacist or practitioner who is 635
a party to the agreement. A pharmacist or practitioner who 636
terminates a consult agreement with regard to one or more 637

patients shall provide written notice to all other pharmacists 638
and practitioners who entered into the agreement and to each 639
individual who consented to treatment under the agreement. The 640
termination of a consult agreement with regard to one or more 641
patients shall be recorded by the pharmacist and practitioner in 642
the medical records of each patient to whom the termination 643
applies. 644

(3) A consult agreement shall be made in writing and shall 645
include all of the following: 646

(a) The diagnoses and diseases being managed under the 647
agreement, including whether each disease is primary or 648
comorbid; 649

(b) A description of the drugs or drug categories the 650
agreement involves; 651

(c) A description of the procedures, decision criteria, 652
and plan the pharmacist is to follow in acting under a consult 653
agreement; 654

(d) A description of how the pharmacist is to comply with 655
divisions (D) (5) and (6) of this section. 656

(4) The content of a consult agreement shall be 657
communicated to each patient whose drug therapy is managed under 658
the agreement. 659

(5) A pharmacist acting under a consult agreement shall 660
maintain a record of each action taken for each patient whose 661
drug therapy is managed under the agreement. 662

(6) Communication between a pharmacist and practitioner 663
acting under a consult agreement shall take place at regular 664
intervals specified by the primary practitioner acting under the 665

agreement. The agreement may include a requirement that a 666
pharmacist send a consult report to each consulting 667
practitioner. 668

(7) A consult agreement is effective for two years and may 669
be renewed if the conditions specified in division (C) of this 670
section continue to be met. 671

(8) A consult agreement does not permit a pharmacist to 672
manage drug therapy prescribed by a practitioner who has not 673
entered into the agreement. 674

(E) The state board of pharmacy, state medical board, and 675
board of nursing shall each adopt rules as follows for its 676
license holders establishing standards and procedures for 677
entering into a consult agreement and managing a patient's drug 678
therapy under a consult agreement: 679

(1) The state board of pharmacy, in consultation with the 680
state medical board and board of nursing, shall adopt rules to 681
be followed by pharmacists. 682

(2) The state medical board, in consultation with the 683
state board of pharmacy, shall adopt rules to be followed by 684
physicians and rules to be followed by physician assistants. 685

(3) The board of nursing, in consultation with the state 686
board of pharmacy and state medical board, shall adopt rules to 687
be followed by clinical nurse specialists, certified nurse- 688
midwives, and certified nurse practitioners. 689

The boards shall specify in the rules any categories of 690
drugs or types of diseases for which a consult agreement may not 691
be established. Each board may adopt any other rules it 692
considers necessary for the implementation and administration of 693
this section. All rules adopted under this section shall be 694

adopted in accordance with Chapter 119. of the Revised Code. 695

(F) (1) Subject to division (F) (2) of this section, both of 696
the following apply: 697

(a) A pharmacist acting in accordance with a consult 698
agreement regarding a practitioner's change in a drug for a 699
patient whose drug therapy the pharmacist is managing under the 700
agreement is not liable in damages in a tort or other civil 701
action for injury or loss to person or property allegedly 702
arising from the change. 703

(b) A practitioner acting in accordance with a consult 704
agreement regarding a pharmacist's change in a drug for a 705
patient whose drug therapy the pharmacist is managing under a 706
consult agreement is not liable in damages in a tort or other 707
civil action for injury or loss to person or property allegedly 708
arising from the change unless the practitioner authorized the 709
specific change. 710

(2) Division (F) (1) of this section does not limit a 711
practitioner's or pharmacist's liability in damages in a tort or 712
other civil action for injury or loss to person or property 713
allegedly arising from actions that are not related to the 714
practitioner's or pharmacist's change in a drug for a patient 715
whose drug therapy is being managed under a consult agreement. 716

Section 2. That existing sections 339.78, 339.81, 1751.91, 717
3923.89, 4729.01, and 4729.39 of the Revised Code are hereby 718
repealed. 719

Section 3. Sections 1751.91 and 3923.89 of the Revised 720
Code, as amended by this act, apply to contracts, policies, 721
agreements, and plans that are delivered, issued for delivery, 722
modified, or renewed on or after the effective date of this 723

section. 724

Section 4. This act shall be known as the Pharmacist 725
Prescribing Authority Act. 726