

As Introduced

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H. B. No. 37

Representative Manning

Cosponsors: Representatives Troy, Pavliga, Smith, K., Young, T., Lipps, Lanese

A BILL

To amend sections 4729.281 and 4729.283 and to 1
enact section 3902.70 of the Revised Code 2
regarding emergency prescription refills. 3

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

Section 1. That sections 4729.281 and 4729.283 be amended 4
and section 3902.70 of the Revised Code be enacted to read as 5
follows: 6

Sec. 3902.70. (A) As used in this section: 7

(1) "Cost-sharing requirement" means the cost to a covered 8
person under a health benefit plan according to any coverage 9
limit, copayment, coinsurance, deductible, or other out-of- 10
pocket expense requirement. 11

(2) "Covered person," "health benefit plan," and "health 12
plan issuer" have the same meanings as in section 3922.01 of the 13
Revised Code. 14

(3) "Licensed health professional authorized to prescribe 15
drugs" has the same meaning as in section 4729.01 of the Revised 16
Code. 17

(B) Notwithstanding section 3901.71 of the Revised Code, 18
if a health plan issuer covers a prescription drug under a 19
health benefit plan, the health plan issuer shall also provide 20
coverage for that drug at least once during any twelve-month 21
period when it is dispensed by a pharmacist to a covered person 22
in accordance with section 4729.281 of the Revised Code. 23

A health benefit plan shall not impose cost-sharing 24
requirements for a drug dispensed in accordance with section 25
4729.281 of the Revised Code that are greater than those imposed 26
when that drug is dispensed in accordance with a prescription 27
issued by a licensed health professional authorized to prescribe 28
drugs. 29

Sec. 4729.281. (A) A pharmacist may dispense ~~or sell~~ a 30
dangerous drug, other than a schedule II controlled substance as 31
defined in section 3719.01 of the Revised Code, without a 32
~~written or oral~~ prescription from a licensed health professional 33
authorized to prescribe drugs if all of the following conditions 34
are met: 35

(1) The pharmacy at which the pharmacist ~~works~~ practices 36
has a record of a prescription for the drug in the name of the 37
patient who is requesting it, but the prescription does not 38
provide for a refill or the time permitted by rules adopted by 39
the state board of pharmacy for providing refills has elapsed. 40

(2) The pharmacist is unable to obtain authorization to 41
refill the prescription from the ~~health care professional~~ 42
prescriber who issued the prescription or another ~~health~~ 43
professional prescriber responsible for the patient's care. 44

(3) In the exercise of ~~the pharmacist's~~ professional 45
judgment, the pharmacist determines that both of the following 46

are the case: 47

(a) The drug is essential to sustain the life of the 48
patient or continue therapy for a chronic condition of the 49
patient. 50

(b) Failure to dispense ~~or sell~~ the drug to the patient 51
could result in harm to the health of the patient. 52

~~(4)(a)~~ (B) With respect to the amount of a drug that may 53
be dispensed under this section, all of the following apply: 54

(1) Except as provided in division ~~(A) (4) (b)~~ (B) (2) of 55
this section, the amount of the drug that is dispensed or sold 56
under this section does shall not exceed a seventy-two-hour 57
supply as provided in based on the original prescription. 58

~~(b) (i) Subject to division (A) (4) (b) (ii) of this section,~~ 59
~~if~~ (2) If the drug dispensed or sold under this section is not a 60
controlled substance and the patient has been on a consistent 61
drug therapy as demonstrated by records maintained by a 62
pharmacy, the amount of the drug dispensed or sold does shall 63
not exceed a thirty-day supply as provided in based on the 64
original prescription or, if the standard unit of dispensing for 65
the drug exceeds a thirty-day supply, the amount of the drug 66
dispensed or sold does shall not exceed the standard unit of 67
dispensing. The 68

(3) The pharmacist shall exercise professional judgment in 69
determining the amount of the drug to be dispensed or sold. 70

~~(ii) A pharmacist shall not dispense or sell a particular~~ 71
~~drug to the same patient in an amount described in division (A)~~ 72
~~(4) (b) (i) of this section more than once in any twelve month~~ 73
~~period.~~ 74

~~(B)-(C)~~ A pharmacist who dispenses ~~or sells~~ a drug under this section shall do all of the following:

(1) For one year after the date of dispensing ~~or sale~~, maintain a record in accordance with this chapter of the drug dispensed ~~or sold~~, including the amount dispensed, the original prescription number, the name and address of the patient ~~and the individual receiving the drug~~, and, if the individual receiving the drug is not the patient, ~~the amount dispensed or sold, and the original prescription number~~ name and address of that individual;

(2) Notify the ~~health professional prescriber~~ who issued the original prescription ~~described in division (A) (1) of this section~~ or another ~~health professional prescriber~~ responsible for the patient's care not later than seventy-two hours after the drug is ~~sold or~~ dispensed;

(3) If applicable, obtain authorization for additional dispensing from one of the ~~health professionals prescribers~~ described in division ~~(B) (2) (C) (2)~~ of this section.

~~(C) A~~ (D) With respect to the number of times that a pharmacist who dispenses or sells may dispense a drug under this section may do so once for each a patient based on the original prescription described in division (A) (1) of this section, both of the following apply:

(1) In the case of a drug that is dispensed in the amount described in division (B) (2) of this section, not more than three times in any twelve-month period;

(2) In the case of any other drug that is dispensed under this section, not more than once.

Sec. 4729.283. (A) A pharmacist may dispense naltrexone

without a ~~written or oral~~ prescription from a licensed health professional authorized to prescribe drugs if all of the following conditions are met:

(1) The pharmacist is able to verify a record of a prescription for the injectable long-acting or extended-release form of naltrexone in the name of the patient who is requesting the drug, but the prescription does not provide for a refill or the time permitted by rules adopted by the state board of pharmacy for providing refills has elapsed.

(2) The pharmacist is unable to obtain authorization to refill the prescription from the prescriber who issued it or another prescriber responsible for the patient's care.

(3) In the exercise of ~~the pharmacist's~~ professional judgment, the pharmacist determines that both of the following are the case:

(a) The drug is necessary to continue the patient's therapy for substance use disorder.

(b) Failure to dispense the drug to the patient could result in harm to the health of the patient.

(B) Before dispensing naltrexone under this section, the pharmacist shall offer the patient the choice of receiving either the oral form or injectable long-acting or extended-release form, but only if both forms of the drug are available for dispensing at the time of the patient's request or within one day after the request.

(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.

(2) With respect to naltrexone dispensed in an injectable long-acting or extended-release form under this section, both of the following apply:	132 133 134
(a) The pharmacist shall exercise professional judgment in determining the amount of the drug dispensed.	135 136
(b) The pharmacist may administer the drug by injection to the patient but only in accordance with section 4729.45 of the Revised Code.	137 138 139
(D) A pharmacist who dispenses naltrexone under this section shall do all of the following:	140 141
(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;	142 143 144 145 146 147
(2) Notify the prescriber who issued the <u>original</u> 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;	148 149 150 151
(3) If applicable, obtain authorization for additional dispensing from one of the prescribers described in division (D)(2) of this section.	152 153 154
(E) A pharmacist shall exercise professional judgment in determining the number of times naltrexone may be dispensed under this section to the same patient.	155 156 157
(F) This section does not limit the authority of a pharmacist to dispense a dangerous drug under section 4729.281	158 159

of the Revised Code. 160

Section 2. That existing sections 4729.281 and 4729.283 of 161
the Revised Code are hereby repealed. 162

Section 3. This act applies to health benefit plans, as 163
defined in section 3922.01 of the Revised Code, delivered, 164
issued for delivery, modified, or renewed on or after the 165
effective date of this section. 166