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Am. Sub. H. B. No. 37

Representative Manning

Cosponsors: Representatives Troy, Pavliga, Smith, K., Young, T., Lipps, Lanese, Russo, Bird, Cutrona, Ginter, Gross, Abrams, Brent, Brown, Carfagna, Carruthers, Crawley, Crossman, Fraizer, Galonski, Ghanbari, Hall, Hillyer, Jarrells, John, Johnson, Jones, Lepore-Hagan, Lightbody, Liston, Loychik, Miller, J., O'Brien, Oelslager, Patton, Ray, Robinson, Schmidt, Seitz, Sheehy, Smith, M., Sobecki, Sweeney, West, Speaker Cupp

Senators Antonio, Cirino, Craig, Fedor, Gavarone, Hackett, Huffman, S., Manning, Reineke, Romanchuk, Schaffer, Schuring, Thomas, Wilson, Yuko

A BILL

To amend sections 4729.281 and 4729.283 and to 1
enact section 3902.62 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 3902.62 of the Revised Code be enacted to read as 5
follows: 6

Sec. 3902.62. (A) As used in this section, "licensed 7
health professional authorized to prescribe drugs" has the same 8
meaning as in section 4729.01 of the Revised Code. 9

(B) Notwithstanding section 3901.71 of the Revised Code, 10
if a health plan issuer covers a prescription drug under a 11
health benefit plan, the health plan issuer shall also provide 12
coverage for that drug when it is dispensed by a pharmacist to a 13

covered person in accordance with section 4729.281 of the 14
Revised Code. 15

A health benefit plan shall not impose cost-sharing 16
requirements for a drug dispensed in accordance with section 17
4729.281 of the Revised Code that are greater than those imposed 18
when that drug is dispensed in accordance with a prescription 19
issued by a licensed health professional authorized to prescribe 20
drugs. 21

Sec. 4729.281. (A) A pharmacist may dispense ~~or sell~~ a 22
dangerous drug, other than a schedule II controlled substance as 23
defined in section 3719.01 of the Revised Code, without a 24
~~written or oral~~ prescription from a licensed health professional 25
authorized to prescribe drugs if all of the following conditions 26
are met: 27

(1) The pharmacy at which the pharmacist ~~works~~ practices 28
has a record of a prescription for the drug in the name of the 29
patient who is requesting it, but the prescription does not 30
provide for a refill or the time permitted by rules adopted by 31
the state board of pharmacy for providing refills has elapsed. 32

(2) The pharmacist is unable to obtain authorization to 33
refill the prescription from the ~~health care professional~~ 34
prescriber who issued the prescription or another ~~health~~ 35
~~professional~~ prescriber responsible for the patient's care. 36

(3) In the exercise of ~~the pharmacist's~~ professional 37
judgment, the pharmacist determines that both of the following 38
are the case: 39

(a) The drug is essential to sustain the life of the 40
patient or continue therapy for a chronic condition of the 41
patient. 42

(b) Failure to dispense ~~or sell~~ the drug to the patient 43
could result in harm to the health of the patient. 44

~~(4)(a)~~ (B) With respect to the number of times that a 45
pharmacist may dispense a drug under this section and the amount 46
of that drug, all of the following apply: 47

(1) Except as provided in division ~~(A) (4) (b)~~ (B) (2) of 48
this section, the drug may be dispensed not more than once and 49
the amount of the drug that is dispensed or sold under this 50
section does shall not exceed a seventy-two-hour supply as 51
provided in based on the original prescription. 52

~~(b) (i) Subject to division (A) (4) (b) (ii) of this section,~~ 53
~~if (2) (a) If the drug dispensed or sold under this section is~~ 54
not a controlled substance and the patient has been on a 55
consistent drug therapy as demonstrated by records maintained by 56
a pharmacy, the drug may be dispensed not more than three times 57
in any twelve-month period, none of which are to be consecutive 58
in time, and, subject to division (B) (2) (b) of this section, the 59
amount of the drug dispensed or sold does shall not exceed a one 60
thirty-day supply as provided in based on the original 61
prescription or, if the standard unit of dispensing for the drug 62
exceeds a thirty-day supply, the amount ~~of the drug dispensed or~~ 63
~~sold does shall not exceed the one~~ standard unit of dispensing. 64
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(b) If one thirty-day supply or one standard unit that 66
exceeds a thirty-day supply is dispensed, then for a second or 67
third dispensing of the drug under this section during the same 68
twelve-month period, the amount shall not exceed a seven-day 69
supply or, if the drug is packaged in a manner that provides 70
more than a seven-day supply, the lowest available supply. 71

(3) The pharmacist shall exercise professional judgment in 72
determining the amount of the drug to be dispensed or sold. 73

~~(ii) A pharmacist shall not dispense or sell a particular~~ 74
~~drug to the same patient in an amount described in division (A)~~ 75
~~(4)(b)(i) of this section more than once in any twelve month~~ 76
~~period.~~ 77

~~(B)~~(C) A pharmacist who dispenses ~~or sells~~ a drug under 78
this section shall do all of the following: 79

(1) For one year after the date of dispensing ~~or sale~~, 80
maintain a record in accordance with this chapter of the drug 81
~~dispensed or sold~~, including the amount dispensed, the original 82
prescription number, the name and address of the patient ~~and the~~ 83
~~individual receiving the drug, and, if the individual receiving~~ 84
~~the drug is not the patient, the amount dispensed or sold, and~~ 85
~~the original prescription number~~ name and address of that 86
individual; 87

(2) Notify the ~~health professional prescriber~~ who issued 88
the original prescription ~~described in division (A)(1) of this~~ 89
~~section or another health professional prescriber~~ responsible 90
for the patient's care not later than seventy-two hours after 91
the drug is ~~sold or~~ dispensed; 92

(3) If applicable, obtain authorization for additional 93
dispensing from one of the ~~health professionals prescribers~~ 94
described in division ~~(B)(2)~~ (C)(2) of this section. 95

~~(C) A pharmacist who dispenses or sells a drug under this~~ 96
~~section may do so once for each prescription described in~~ 97
~~division (A)(1) of this section.~~ 98

Sec. 4729.283. (A) A pharmacist may dispense naltrexone 99
without a ~~written or oral~~ prescription from a licensed health 100

professional authorized to prescribe drugs if all of the 101
following conditions are met: 102

(1) The pharmacist is able to verify a record of a 103
prescription for the injectable long-acting or extended-release 104
form of naltrexone in the name of the patient who is requesting 105
the drug, but the prescription does not provide for a refill or 106
the time permitted by rules adopted by the state board of 107
pharmacy for providing refills has elapsed. 108

(2) The pharmacist is unable to obtain authorization to 109
refill the prescription from the prescriber who issued it or 110
another prescriber responsible for the patient's care. 111

(3) In the exercise of ~~the pharmacist's~~ professional 112
judgment, the pharmacist determines that both of the following 113
are the case: 114

(a) The drug is necessary to continue the patient's 115
therapy for substance use disorder. 116

(b) Failure to dispense the drug to the patient could 117
result in harm to the health of the patient. 118

(B) Before dispensing naltrexone under this section, the 119
pharmacist shall offer the patient the choice of receiving 120
either the oral form or injectable long-acting or extended- 121
release form, but only if both forms of the drug are available 122
for dispensing at the time of the patient's request or within 123
one day after the request. 124

(C) (1) With respect to naltrexone dispensed in an oral 125
form under this section, the pharmacist shall not dispense an 126
amount that exceeds a five-day supply. 127

(2) With respect to naltrexone dispensed in an injectable 128

long-acting or extended-release form under this section, both of 129
the following apply: 130

(a) The pharmacist shall exercise professional judgment in 131
determining the amount of the drug dispensed. 132

(b) The pharmacist may administer the drug by injection to 133
the patient but only in accordance with section 4729.45 of the 134
Revised Code. 135

(D) A pharmacist who dispenses naltrexone under this 136
section shall do all of the following: 137

(1) For one year after the date of dispensing, maintain a 138
record in accordance with this chapter of the drug dispensed, 139
including the amount and form dispensed, the original 140
prescription number, the name and address of the patient, and, 141
if the individual receiving the drug is not the patient, the 142
name and address of that individual; 143

(2) Notify the prescriber who issued the original 144
prescription ~~described in division (A) (1) of this section or~~ 145
another prescriber responsible for the patient's care not later 146
than five days after the drug is dispensed; 147

(3) If applicable, obtain authorization for additional 148
dispensing from one of the prescribers described in division (D) 149
(2) of this section. 150

(E) A pharmacist shall exercise professional judgment in 151
determining the number of times naltrexone may be dispensed 152
under this section to the same patient. 153

(F) This section does not limit the authority of a 154
pharmacist to dispense a dangerous drug under section 4729.281 155
of the Revised Code. 156

Section 2. That existing sections 4729.281 and 4729.283 of 157
the Revised Code are hereby repealed. 158

Section 3. This act applies to health benefit plans, as 159
defined in section 3922.01 of the Revised Code, delivered, 160
issued for delivery, modified, or renewed on or after the 161
effective date of this section. 162