

As Reported by the House Health Committee

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Sub. H. B. No. 37

Representative Manning

Cosponsors: Representatives Troy, Pavliga, Smith, K., Young, T., Lipps, Lanese,
Russo, Bird, Cutrona, Ginter, Gross

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 not more than three times during any 21
twelve-month period when it is dispensed by a pharmacist to a 22
covered person in accordance with section 4729.281 of the 23
Revised Code. 24

A health benefit plan shall not impose cost-sharing 25
requirements for a drug dispensed in accordance with section 26
4729.281 of the Revised Code that are greater than those imposed 27
when that drug is dispensed in accordance with a prescription 28
issued by a licensed health professional authorized to prescribe 29
drugs. 30

Sec. 4729.281. (A) A pharmacist may dispense ~~or sell~~ a 31
dangerous drug, other than a schedule II controlled substance as 32
defined in section 3719.01 of the Revised Code, without a 33
~~written or oral~~ prescription from a licensed health professional 34
authorized to prescribe drugs if all of the following conditions 35
are met: 36

(1) The pharmacy at which the pharmacist ~~works~~ practices 37
has a record of a prescription for the drug in the name of the 38
patient who is requesting it, but the prescription does not 39
provide for a refill or the time permitted by rules adopted by 40
the state board of pharmacy for providing refills has elapsed. 41

(2) The pharmacist is unable to obtain authorization to 42
refill the prescription from the ~~health care professional~~ 43
prescriber who issued the prescription or another ~~health~~ 44
~~professional~~ prescriber responsible for the patient's care. 45

(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 essential to sustain the life of the patient or continue therapy for a chronic condition of the patient.

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

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

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

~~(b)(i) Subject to division (A)(4)(b)(ii) of this section, if (2)(a) If the drug dispensed or sold under this section is not a controlled substance and the patient has been on a consistent drug therapy as demonstrated by records maintained by a pharmacy, the drug may be dispensed not more than three times in any twelve-month period, none of which are to be consecutive in time, and, subject to division (B)(2)(b) of this section, the amount of the drug dispensed or sold does shall not exceed a one thirty-day supply as provided in based on the original prescription or, if the standard unit of dispensing for the drug exceeds a thirty-day supply, the amount of the drug dispensed or sold does shall not exceed the one standard unit of dispensing.~~
~~The~~

(b) If one thirty-day supply or one standard unit that 75
exceeds a thirty-day supply is dispensed, then for a second or 76
third dispensing of the drug under this section during the same 77
twelve-month period, the amount shall not exceed a seven-day 78
supply or, if the drug is packaged in a manner that provides 79
more than a seven-day supply, the lowest available supply. 80

(3) The pharmacist shall exercise professional judgment in 81
determining the amount of the drug to be dispensed or sold. 82

~~(ii) A pharmacist shall not dispense or sell a particular~~ 83
~~drug to the same patient in an amount described in division (A)~~ 84
~~(4)(b)(i) of this section more than once in any twelve-month~~ 85
~~period.~~ 86

~~(B)(C)~~ A pharmacist who dispenses ~~or sells~~ a drug under 87
this section shall do all of the following: 88

(1) For one year after the date of dispensing ~~or sale~~, 89
maintain a record in accordance with this chapter of the drug 90
dispensed ~~or sold~~, including the amount dispensed, the original 91
prescription number, the name and address of the patient ~~and the~~ 92
~~individual receiving the drug, and, if the individual receiving~~ 93
the drug is not the patient, the ~~amount dispensed or sold, and~~ 94
the ~~original prescription number~~ name and address of that 95
individual; 96

(2) Notify the ~~health professional prescriber~~ who issued 97
the original prescription ~~described in division (A)(1) of this~~ 98
~~section or another health professional prescriber~~ responsible 99
for the patient's care not later than seventy-two hours after 100
the drug is ~~sold or~~ dispensed; 101

(3) If applicable, obtain authorization for additional 102
dispensing from one of the ~~health professionals prescribers~~ 103

described in division ~~(B) (2)~~ (C) (2) of this section. 104

~~(C) A pharmacist who dispenses or sells a drug under this section may do so once for each prescription described in division (A) (1) of this section.~~ 105
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Sec. 4729.283. (A) A pharmacist may dispense naltrexone 108
without a ~~written or oral~~ prescription from a licensed health 109
professional authorized to prescribe drugs if all of the 110
following conditions are met: 111

(1) The pharmacist is able to verify a record of a 112
prescription for the injectable long-acting or extended-release 113
form of naltrexone in the name of the patient who is requesting 114
the drug, but the prescription does not provide for a refill or 115
the time permitted by rules adopted by the state board of 116
pharmacy for providing refills has elapsed. 117

(2) The pharmacist is unable to obtain authorization to 118
refill the prescription from the prescriber who issued it or 119
another prescriber responsible for the patient's care. 120

(3) In the exercise of ~~the pharmacist's~~ professional 121
judgment, the pharmacist determines that both of the following 122
are the case: 123

(a) The drug is necessary to continue the patient's 124
therapy for substance use disorder. 125

(b) Failure to dispense the drug to the patient could 126
result in harm to the health of the patient. 127

(B) Before dispensing naltrexone under this section, the 128
pharmacist shall offer the patient the choice of receiving 129
either the oral form or injectable long-acting or extended- 130
release form, but only if both forms of the drug are available 131

for dispensing at the time of the patient's request or within 132
one day after the request. 133

(C) (1) With respect to naltrexone dispensed in an oral 134
form under this section, the pharmacist shall not dispense an 135
amount that exceeds a five-day supply. 136

(2) With respect to naltrexone dispensed in an injectable 137
long-acting or extended-release form under this section, both of 138
the following apply: 139

(a) The pharmacist shall exercise professional judgment in 140
determining the amount of the drug dispensed. 141

(b) The pharmacist may administer the drug by injection to 142
the patient but only in accordance with section 4729.45 of the 143
Revised Code. 144

(D) A pharmacist who dispenses naltrexone under this 145
section shall do all of the following: 146

(1) For one year after the date of dispensing, maintain a 147
record in accordance with this chapter of the drug dispensed, 148
including the amount and form dispensed, the original 149
prescription number, the name and address of the patient, and, 150
if the individual receiving the drug is not the patient, the 151
name and address of that individual; 152

(2) Notify the prescriber who issued the original 153
~~prescription described in division (A)(1) of this section or~~ 154
another prescriber responsible for the patient's care not later 155
than five days after the drug is dispensed; 156

(3) If applicable, obtain authorization for additional 157
dispensing from one of the prescribers described in division (D) 158
(2) of this section. 159

(E) A pharmacist shall exercise professional judgment in 160
determining the number of times naltrexone may be dispensed 161
under this section to the same patient. 162

(F) This section does not limit the authority of a 163
pharmacist to dispense a dangerous drug under section 4729.281 164
of the Revised Code. 165

Section 2. That existing sections 4729.281 and 4729.283 of 166
the Revised Code are hereby repealed. 167

Section 3. This act applies to health benefit plans, as 168
defined in section 3922.01 of the Revised Code, delivered, 169
issued for delivery, modified, or renewed on or after the 170
effective date of this section. 171