

As Introduced

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H. B. No. 382

Representative Brown

Cosponsors: Representatives Dell'Aquila, Weinstein, Miller, A., Russo, Brennan,
Baker, Somani, Jarrells, Brewer, Troy, Isaacsohn, Grim, Abdullahi, Miller, J.,
Brown, Piccolantonio, McNally, Upchurch, Miranda

A BILL

To amend section 5167.12 and to enact sections 1
3902.64, 4729.362, and 5164.093 of the Revised 2
Code regarding prescription drug readers for 3
visually impaired patients. 4

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

Section 1. That section 5167.12 be amended and sections 5
3902.64, 4729.362, and 5164.093 of the Revised Code be enacted 6
to read as follows: 7

Sec. 3902.64. (A) Notwithstanding section 3901.71 of the 8
Revised Code, a health benefit plan shall provide coverage for 9
prescription readers provided by a licensed terminal distributor 10
of dangerous drugs pursuant to section 4729.362 of the Revised 11
Code. 12

(B) As used in this section, "prescription reader" has the 13
same meaning as in section 4729.362 of the Revised Code. 14

Sec. 4729.362. (A) (1) Except as provided in division (B) 15
of this section, prior to selling a dangerous drug at retail, a 16

licensed terminal distributor of dangerous drugs shall provide 17
notice, in the manner specified in division (A) (2) of this 18
section, that a prescription reader can be made available. If 19
the person purchasing the drug requests a prescription reader, 20
the terminal distributor shall provide a prescription reader for 21
at least the duration of the prescription. 22

(2) A licensed terminal distributor shall provide the 23
notice required by division (A) (1) of this section as follows: 24

(a) For in-person transactions, the notice shall be 25
provided to the purchaser of the drug if the licensed terminal 26
distributor has reason to believe that the purchaser is blind or 27
visually impaired or is purchasing the drug on behalf of a 28
patient who is blind or visually impaired. 29

(b) For transactions in which the drug will be delivered 30
to a patient by mail, parcel post, or common carrier, the notice 31
shall be provided to the person purchasing the drug. 32

(B) This section does not apply in either of the following 33
circumstances: 34

(1) When the drug is personally furnished by a licensed 35
health professional authorized to prescribe drugs; 36

(2) When the licensed terminal distributor dispensing the 37
drug is any of the following: 38

(a) An institutional pharmacy; 39

(b) A pharmacy participating in the drug repository 40
program pursuant to section 3715.871 of the Revised Code, but 41
only if the drug being dispensed was donated or given under the 42
program; 43

(c) A pharmacy in a jail, state correctional institution, 44

federal correctional facility or complex, or juvenile detention 45
facility; 46

(d) A pharmacy operated by a government entity. 47

(C) This section does not affect any law relative to 48
labeling requirements for drugs. 49

(D) As used in this section: 50

(1) "Dangerous drug" has the same meaning as set forth in 51
division (F) of section 4729.01 of the Revised Code. 52

(2) "Institutional pharmacy" means a pharmacy that is part 53
of or is operated in conjunction with any of the following 54
health care facilities: an ambulatory surgical facility, nursing 55
home, residential care facility, freestanding rehabilitation 56
facility, hospice care program, home and community-based 57
services provider, or residential facility for individuals with 58
mental illness or developmental disabilities. "Institutional 59
pharmacy" includes both of the following: 60

(a) A pharmacy on the premises of a health care facility 61
identified in division (D) (2) of this section that provides a 62
system of distributing and supplying medication to the facility 63
or its patients, whether or not operated by the facility; 64

(b) A pharmacy off the premises of a health care facility 65
identified in division (D) (2) of this section that provides 66
services only to patients of one or more health care facilities. 67

(3) "Terminal distributor of dangerous drugs" has the same 68
meaning as set forth in division (Q) of section 4729.01 of the 69
Revised Code, and specifically includes retail pharmacies, as 70
well as mail-order or other pharmacies that deliver dangerous 71
drugs by mail, parcel post, or common carrier. 72

(4) "Prescription reader" means a device that audibly 73
conveys the information that is required by law or rule to be 74
contained on a label affixed to the container in which a 75
dangerous drug is dispensed for a patient who is visually 76
impaired or otherwise would have difficulty reading the label. 77
The information to be audibly conveyed shall include any 78
cautions that may be required by federal and state law and any 79
information regarding drug interactions, contraindications, and 80
side effects that are also provided to sighted patients and 81
patients who have no difficulty reading the label. 82

Sec. 5164.093. (A) The medicaid program shall cover 83
prescription readers provided by a licensed terminal distributor 84
of dangerous drugs pursuant to section 4729.362 of the Revised 85
Code. 86

(B) As used in this section, "prescription reader" has the 87
same meaning as in section 4729.362 of the Revised Code. 88

Sec. 5167.12. If prescribed drugs are included in the care 89
management system: 90

(A) Medicaid MCO plans may include strategies for the 91
management of drug utilization, but any such strategies are 92
subject to the limitations and requirements of this section and 93
the approval of the department of medicaid. 94

(B) A medicaid MCO plan shall not impose a prior 95
authorization requirement in the case of a drug to which all of 96
the following apply: 97

(1) The drug is an antidepressant or antipsychotic. 98

(2) The drug is administered or dispensed in a standard 99
tablet or capsule form, except that in the case of an 100
antipsychotic, the drug also may be administered or dispensed in 101

a long-acting injectable form. 102

(3) The drug is prescribed by any of the following: 103

(a) A physician who has registered the physician's 104
psychiatric specialty with the department; 105

(b) A psychiatrist who is practicing at a location on 106
behalf of a community mental health services provider whose 107
mental health services are certified by the department of mental 108
health and addiction services under section 5119.36 of the 109
Revised Code; 110

(c) A certified nurse practitioner, as defined in section 111
4723.01 of the Revised Code, who is certified in psychiatric 112
mental health by a national certifying organization approved by 113
the board of nursing under section 4723.46 of the Revised Code; 114

(d) A clinical nurse specialist, as defined in section 115
4723.01 of the Revised Code, who is certified in psychiatric 116
mental health by a national certifying organization approved by 117
the board of nursing under section 4723.46 of the Revised Code. 118

(4) The drug is prescribed for a use that is indicated on 119
the drug's labeling, as approved by the federal food and drug 120
administration. 121

(C) The department shall authorize a medicaid MCO plan to 122
include a pharmacy utilization management program under which 123
prior authorization through the program is established as a 124
condition of obtaining a controlled substance pursuant to a 125
prescription. 126

(D) Each medicaid managed care organization and medicaid 127
MCO plan shall comply with sections 5164.091, 5164.093, 5164.10, 128
5164.7511, 5164.7512, and 5164.7514 of the Revised Code as if 129

the organization were the department and the plan were the 130
medicaid program. 131

Section 2. That existing section 5167.12 of the Revised 132
Code is hereby repealed. 133

Section 3. Section 3902.64 of the Revised Code, as enacted 134
by this act, applies only to health benefit plans, as defined in 135
section 3922.01 of the Revised Code, delivered, issued for 136
delivery, modified, or renewed in this state on or after the 137
effective date of this section. 138