

As Introduced

**133rd General Assembly
Regular Session
2019-2020**

H. B. No. 420

Representative Manning, G.

A BILL

To amend section 4729.281 and to enact section 1
3902.50 of the Revised Code to increase the 2
frequency at which a pharmacist may refill 3
certain prescriptions on an emergency basis and 4
to require health benefit plans to cover drugs 5
dispensed in those situations. 6

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

Section 1. That section 4729.281 be amended and section 7
3902.50 of the Revised Code be enacted to read as follows: 8

Sec. 3902.50. (A) As used in this section: 9

(1) "Cost-sharing requirement" means the cost to a covered 10
person under a health benefit plan according to any coverage 11
limit, copayment, coinsurance, deductible, or other out-of- 12
pocket expense requirement. 13

(2) "Covered person," "health benefit plan," and "health 14
plan issuer" have the same meanings as in section 3922.01 of the 15
Revised Code. 16

(3) "Licensed health professional authorized to prescribe 17
drugs" has the same meaning as in section 4729.01 of the Revised 18

Code. 19

(B) Notwithstanding section 3901.71 of the Revised Code, 20
if a health plan issuer covers a prescription drug under a 21
health benefit plan, the health plan issuer shall also provide 22
coverage for that drug at least once during any twelve-month 23
period when it is dispensed by a pharmacist to a covered person 24
in accordance with section 4729.281 of the Revised Code. 25

A health benefit plan shall not impose cost-sharing 26
requirements for a drug dispensed in accordance with section 27
4729.281 of the Revised Code that are greater than those imposed 28
when that drug is dispensed in accordance with a prescription 29
issued by a licensed health professional authorized to prescribe 30
drugs. 31

Sec. 4729.281. (A) A pharmacist may dispense or sell a 32
dangerous drug, other than a schedule II controlled substance as 33
defined in section 3719.01 of the Revised Code, without a 34
written or oral prescription from a licensed health professional 35
authorized to prescribe drugs if all of the following conditions 36
are met: 37

(1) The pharmacy at which the pharmacist works has a 38
record of a prescription for the drug in the name of the patient 39
who is requesting it, but the prescription does not provide for 40
a refill or the time permitted by rules adopted by the state 41
board of pharmacy for providing refills has elapsed. 42

(2) The pharmacist is unable to obtain authorization to 43
refill the prescription from the health care professional who 44
issued the prescription or another health professional 45
responsible for the patient's care. 46

(3) In the exercise of the pharmacist's professional 47

judgment: 48

(a) The drug is essential to sustain the life of the 49
patient or continue therapy for a chronic condition of the 50
patient. 51

(b) Failure to dispense or sell the drug to the patient 52
could result in harm to the health of the patient. 53

~~(4) (a) (B) (1)~~ Except as provided in division ~~(A) (4) (b) (B)~~ 54
~~(2)~~ of this section, the amount of the drug that is dispensed or 55
sold under division (A) this section ~~does~~ shall not exceed a 56
seventy-two-hour supply as provided in the prescription. 57

~~(b) (i) Subject to division (A) (4) (b) (ii) of this section,~~ 58
~~if (2)~~ If the drug dispensed or sold under division (A) of this 59
section is not a controlled substance and the patient has been 60
on a consistent drug therapy as demonstrated by records 61
maintained by a pharmacy, the amount of the drug dispensed or 62
sold ~~does~~ shall not exceed a thirty-day supply as provided in 63
the prescription or, if the standard unit of dispensing for the 64
drug exceeds a thirty-day supply, the amount of the drug 65
dispensed or sold ~~does~~ shall not exceed the standard unit of 66
dispensing. The pharmacist shall exercise professional judgment 67
in determining the amount of the drug to be dispensed or sold. 68

~~(ii) A pharmacist shall not dispense or sell a particular~~ 69
~~drug to the same patient in an amount described in division (A)~~ 70
~~(4) (b) (i) of this section more than once in any twelve month~~ 71
~~period.~~ 72

~~(B) (C)~~ A pharmacist who dispenses or sells a drug under 73
this section shall do all of the following: 74

(1) For one year after the date of dispensing or sale, 75
maintain a record in accordance with this chapter of the drug 76

dispensed or sold, including the name and address of the patient 77
and the individual receiving the drug, if the individual 78
receiving the drug is not the patient, the amount dispensed or 79
sold, and the original prescription number; 80

(2) Notify the health professional who issued the 81
prescription described in division (A) (1) of this section or 82
another health professional responsible for the patient's care 83
not later than seventy-two hours after the drug is sold or 84
dispensed; 85

(3) If applicable, obtain authorization for additional 86
dispensing from one of the health professionals described in 87
division ~~(B) (2)~~ (C) (2) of this section. 88

~~(C)~~ (D) A pharmacist who dispenses or sells a drug under 89
this section may do so ~~once for each prescription described in~~ 90
~~division (A) (1) of this section~~ as follows: 91

(1) For a drug described in division (B) (2) of this 92
section, not more than three times in any twelve-month period; 93

(2) For any other drug described in this section, not more 94
than once for each prescription. 95

Section 2. That existing section 4729.281 of the Revised 96
Code is hereby repealed. 97

Section 3. This act shall apply to health benefit plans, 98
as defined in section 3922.01 of the Revised Code, delivered, 99
issued for delivery, modified, or renewed on or after the 100
effective date of this act. 101