

As Passed by the House

134th General Assembly

Regular Session

2021-2022

H. B. No. 645

Representatives Fraizer, Holmes

Cosponsors: Representatives Click, Ginter, Gross, Lightbody, Lipps, Liston,
O'Brien, Patton, Sheehy, Speaker Cupp

A BILL

To enact section 4729.554 of the Revised Code to 1
authorize the operation of remote dispensing 2
pharmacies. 3

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

Section 1. That section 4729.554 of the Revised Code be 4
enacted to read as follows: 5

Sec. 4729.554. (A) As used in this section: 6

(1) "Remote dispensing pharmacy" means a pharmacy where 7
the dispensing of drugs and drug therapy related devices, 8
patient counseling, and other pharmacist care is provided by a 9
supervising pharmacist using a telepharmacy system. 10

(2) "Telepharmacy system" means a system that monitors the 11
dispensing of drugs and provides for related drug utilization 12
review and patient counseling services by an electronic method. 13

(B) The state board of pharmacy shall regulate remote 14
dispensing pharmacies in accordance with this section. 15

(C) To operate as a remote dispensing pharmacy, a pharmacy 16

shall comply with all of the following: 17

(1) Be licensed under this chapter as a terminal 18
distributor of dangerous drugs; 19

(2) (a) Be physically located in this state, in a building 20
that is zoned for commercial use, and, except as provided in 21
division (C) (2) (b) of this section, not within ten miles of a 22
pharmacy that serves the public as an outpatient pharmacy; 23

(b) A remote dispensing pharmacy may be located within the 24
ten-mile limitation described in division (C) (2) (a) of this 25
section if either of the following applies to the pharmacy: 26

(i) The pharmacy is part of a federally qualified health 27
center or federally qualified health center look-alike, as 28
defined in section 3701.047 of the Revised Code. 29

(ii) The board, based on a demonstration of need in 30
accordance with standards established in rules adopted under 31
this section, approves the pharmacy's physical location. 32

(3) Be overseen and operated by a supervising pharmacy in 33
accordance with division (D) of this section and have a 34
supervising pharmacist who is in full and actual charge of the 35
remote dispensing pharmacy through the use of a telepharmacy 36
system and surveillance system, both of which meet the standards 37
established in rules adopted under this section; 38

(4) Operate only by using a telepharmacy system that meets 39
standards established in rules adopted under this section and 40
that is under the control of its supervising pharmacy; 41

(5) Be staffed by two or more pharmacy interns or 42
certified pharmacy technicians who meet qualifications and 43
training requirements established in rules adopted under this 44

section. 45

(D) All of the following apply to a pharmacy acting as a 46
supervising pharmacy under this section: 47

(1) The supervising pharmacy shall be licensed under this 48
chapter as a terminal distributor of dangerous drugs and be 49
physically located in this state. 50

(2) The supervising pharmacy and remote dispensing 51
pharmacy shall be under common ownership and control or shall 52
operate under a contract that meets requirements specified in 53
rules adopted under this section. 54

(3) Unless otherwise approved by the board, the 55
supervising pharmacy shall not oversee or operate more than one 56
remote dispensing pharmacy. 57

(E) All of the following apply to the supervising 58
pharmacist that is in full and actual charge of the remote 59
dispensing pharmacy: 60

(1) The supervising pharmacist shall be licensed under 61
this chapter and physically located in this state. 62

(2) The supervising pharmacist shall be employed by or 63
under contract with the supervising pharmacy. 64

(3) Unless otherwise approved by the board, the 65
supervising pharmacist shall not simultaneously oversee the 66
activities of a remote dispensing pharmacy and a nonremote 67
dispensing pharmacy or any other location licensed by the board. 68

(4) The supervising pharmacist shall oversee the pharmacy 69
interns and certified pharmacy technicians who are assisting in 70
the dispensing process at the remote dispensing pharmacy and 71
shall provide the oversight by using a telepharmacy system and 72

surveillance system. 73

(5) The supervising pharmacist shall verify each 74
prescription and drug dispensed pursuant to the prescription 75
before the drug leaves the remote dispensing pharmacy and shall 76
provide the verification through visual review and the use of 77
barcoding and any other technology required in rules adopted 78
under this section. 79

(6) The supervising pharmacist shall offer to provide the 80
service of counseling for each drug dispensed pursuant to a new 81
prescription for a patient at the remote dispensing pharmacy. 82

(F) Unless otherwise approved by the board, a remote 83
dispensing pharmacy shall not dispense drugs pursuant to more 84
than an average of one hundred fifty prescriptions per day 85
during a ninety-day period. 86

(G) A remote dispensing pharmacy shall implement a quality 87
assurance plan to ensure that there is a planned and systematic 88
process for monitoring and evaluating the quality and 89
appropriateness of the pharmacy services being provided and for 90
identifying and resolving problems. 91

(H) A remote dispensing pharmacy that holds a category III 92
terminal distributor of dangerous drugs license shall maintain a 93
perpetual controlled substance inventory, as specified in rules 94
adopted under this section. 95

(I) Notwithstanding section 4729.91 of the Revised Code or 96
any other section of this chapter to the contrary, a pharmacy 97
intern or certified pharmacy technician staffing a remote 98
dispensing pharmacy shall not do any of the following: 99

(1) Counsel an individual regarding the individual's drug 100
therapy, recommend drugs and drug therapy related devices, or 101

assist with selecting drugs and drug therapy related devices for 102
treatment of common diseases and injuries or assist with 103
providing instruction on their use; 104

(2) Perform compounding of sterile or nonsterile drugs, 105
except for the reconstitution of prepackaged dangerous drugs; 106

(3) Engage in the repackaging of dangerous drugs; 107

(4) Administer immunizations or perform diagnostic 108
testing, unless a pharmacist is onsite to provide direct 109
supervision; 110

(5) Any other activities prohibited in rules adopted under 111
this section. 112

(J) The board shall adopt rules for purposes of its 113
regulation of remote dispensing pharmacies. The rules shall be 114
adopted in accordance with Chapter 119. of the Revised Code and 115
include all of the following: 116

(1) Standards for a system of continuous video 117
surveillance and recording of remote dispensing pharmacies, 118
including standards for both of the following: 119

(a) An adequate number of views of the entire remote 120
dispensing pharmacy to ensure that the supervising pharmacist 121
can maintain oversight; 122

(b) Retention of each recording made by the system for at 123
least sixty days after the date of the recording. 124

(2) Standards for telepharmacy systems and surveillance 125
systems used by remote dispensing pharmacies, including 126
standards to ensure that the systems are capable of all of the 127
following: 128

<u>(a) Facilitating a safe and secured method for appropriate pharmacist supervision;</u>	129 130
<u>(b) Allowing an appropriate exchange of visual, verbal, and written communications for patient counseling and other pharmacy services;</u>	131 132 133
<u>(c) Being secure and compliant with the "Health Insurance Portability and Accountability Act of 1996," 42 U.S.C. 1320d et seq.</u>	134 135 136
<u>(3) Requirements for the contract between a supervising pharmacy and a remote dispensing pharmacy;</u>	137 138
<u>(4) Standards for making a determination of need, as set forth in division (C)(2)(b)(ii) of this section;</u>	139 140
<u>(5) Requirements for the implementation of a quality assurance plan by a remote dispensing pharmacy;</u>	141 142
<u>(6) The qualifications and training necessary for pharmacy interns and certified pharmacy technicians who staff remote dispensing pharmacies, including the number of experiential hours required;</u>	143 144 145 146
<u>(7) Any additional activities that pharmacy interns and certified pharmacy technicians staffing remote dispensing pharmacies are prohibited from performing;</u>	147 148 149
<u>(8) The number of pharmacy interns and certified pharmacy technicians that a supervising pharmacist may supervise at any given time;</u>	150 151 152
<u>(9) The maximum distance a supervising pharmacist may be physically located from the remote dispensing pharmacy;</u>	153 154
<u>(10) Standards for remote patient counseling by a</u>	155

supervising pharmacist, including the counseling that is 156
required to be offered for each drug dispensed pursuant to a new 157
prescription for a patient by the remote dispensing pharmacy; 158

(11) Standards for and frequency of inspection of a remote 159
dispensing pharmacy by the supervising pharmacist; 160

(12) Requirements for the closure of a remote dispensing 161
pharmacy if the pharmacy's telepharmacy system or surveillance 162
system, or any related security system used by the pharmacy, is 163
malfunctioning; 164

(13) Requirements related to perpetual controlled 165
substance inventories; 166

(14) Security requirements for remote dispensing 167
pharmacies that include methods for supervising pharmacists to 168
determine who has accessed the pharmacy; 169

(15) Limits on the number of remote dispensing pharmacies 170
that a supervising pharmacist may oversee at one time to ensure 171
patient safety and sufficient staffing to meet the prescription 172
workload; 173

(16) Requirements for a remote dispensing pharmacy's 174
responsible person, as that term is defined in rules adopted by 175
the board; 176

(17) Any other standards or procedures the board considers 177
necessary to implement this section. 178

Section 2. The State Board of Pharmacy shall adopt the 179
rules required by section 4729.554 of the Revised Code not later 180
than eighteen months after the effective date of this section. 181
If the Board fails to adopt the rules within that time period, 182
the Attorney General or a county prosecuting attorney may apply 183

to a court of common pleas for a court order requiring the 184
adoption of the rules. 185