



Ohio Legislative Service Commission

Final Analysis

Audra Tidball

Sub. H.B. 124

131st General Assembly
(As Passed by the General Assembly)

Reps. T. Johnson and Huffman, Grossman, Blessing, Gonzales, Antonio, Barnes, Bishoff, Brown, Lepore-Hagan, Sears, Boyd, Clyde, Craig, Driehaus, Fedor, Gerberry, Green, Hackett, Howse, G. Johnson, Kuhns, M. O'Brien, S. O'Brien, Patterson, Phillips, Ramos, Reece, Rogers, Sheehy, Stinziano, Strahorn, Sweeney, Sykes

Sens. Gardner, Lehner, Brown, Eklund, Jones, Manning, Patton, Sawyer, Schiavoni, Seitz, Tavares, Thomas

Effective date: March 23, 2016

ACT SUMMARY

- Authorizes a physician, advanced practice registered nurse, or physician assistant to prescribe or personally furnish a drug for a sexual partner of a patient diagnosed with chlamydia, gonorrhea, or trichomoniasis, without examining the sexual partner.
- Specifies that a physician, advanced practice registered nurse, or physician assistant may prescribe or personally furnish a drug for not more than two sexual partners of the patient.
- Authorizes a pharmacist to dispense a drug pursuant to a prescription issued in accordance with the act.
- Grants immunity from civil liability, criminal prosecution, or professional discipline to a physician, advanced practice registered nurse, physician assistant, or pharmacist acting in good faith and in accordance with the act.

CONTENT AND OPERATION

Expedited partner therapy

The act establishes a limited exception to the requirement that a licensed health professional who is authorized to prescribe drugs must personally examine the

intended recipient of a prescription drug.¹ It authorizes a physician,² or an advanced practice registered nurse or physician assistant with prescriptive authority, to issue a prescription for, or personally furnish a complete or partial supply of, a drug to treat chlamydia, gonorrhea, or trichomoniasis, without having examined the intended recipient of the drug, if the following conditions are met:³

(1) The intended recipient is a sexual partner of the prescriber's patient;

(2) The patient has been diagnosed with chlamydia, gonorrhea, or trichomoniasis; and

(3) The patient reports to the prescriber that the sexual partner is unable or unlikely to be evaluated or treated by a health professional.

Prescription contents

A prescription must include the sexual partner's name and address, if known. However, if the prescriber is unable to obtain the partner's name and address, the prescription must instead include the patient's name and address, along with the words "expedited partner therapy" or the letters "EPT."⁴ (A rule of the Board of Pharmacy requires that any prescription indicate the patient's full name and residential address.⁵) Associated with the provision that authorizes the patient's name and address to be included instead of the partner's name and address, the act specifies that the definition of "prescription" under the laws governing the practice of pharmacy includes a written, electronic, or oral order for a drug to treat chlamydia, gonorrhea, or trichomoniasis issued to and in the name of a patient who is not the intended user of the drug but is the sexual partner of the intended user.⁶

¹ See, *e.g.*, Ohio Administrative Code (O.A.C.) 4723-9-09, 4730-2-07, and 4731-11-09.

² Under the act, a physician does not include a podiatrist. R.C. 4731.93(A).

³ R.C. 4723.4810, 4730.432, and 4731.93.

⁴ R.C. 4723.4810(A)(2), 4730.432(A)(2), and 4731.93(B)(2).

⁵ O.A.C. 4729-5-30.

⁶ R.C. 4729.01(H)(3).



Limit on the number of treated partners

The act limits the number of sexual partners a prescriber may treat without examination. It provides that a prescriber may prescribe or personally furnish a drug for not more than two sexual partners of the patient.⁷

Additional duties of prescribers

For each drug prescribed or personally furnished under the act, the prescriber must do all of the following:⁸

(1) Provide the patient with information concerning the drug for the purpose of sharing the information with the sexual partner, including directions for the drug's use and any side effects, adverse reactions, or known contraindications associated with it;

(2) Recommend to the patient that the sexual partner seek treatment from a health professional; and

(3) Document all of the following in the patient's record:

(a) The name of the drug prescribed or furnished and its dosage;

(b) That information concerning the drug was provided to the patient for the purpose of sharing the information with the sexual partner; and

(c) If known, any adverse reactions the sexual partner experiences from treatment with the drug.

Contacting the sexual partner

The act authorizes a prescriber who prescribes or personally furnishes a drug in accordance with its provisions to contact the sexual partner for whom the drug is intended. If the prescriber contacts the partner, the prescriber must:

(1) Inform the sexual partner that he or she may have been exposed to chlamydia, gonorrhea, or trichomoniasis;

(2) Encourage the sexual partner to seek treatment from a health professional;

⁷ R.C. 4723.4810(A)(3), 4730.432(A)(3), and 4731.93(B)(3).

⁸ R.C. 4723.4810(B), 4730.432(B), and 4731.93(C).



(3) Explain the treatment options available to the partner, including treatment with a prescription drug, directions for use of the drug, and any side effects, adverse reactions, or known contraindications associated with it; and

(4) Document in the patient's record that the prescriber contacted the sexual partner.

If the prescriber does not contact the partner, the prescriber must document that fact in the patient's record.⁹

Pharmacists authorized to fill EPT prescriptions

With respect to a prescription for a drug issued in accordance with the act's procedures, the act authorizes a pharmacist to dispense the drug and, if necessary, label it without the sexual partner's name if the prescription contains the words "expedited partner therapy" or the letters "EPT."¹⁰ Rules of the State Board of Pharmacy otherwise require that a pharmacist dispense a drug only pursuant to a prescription issued in the usual course of bona fide treatment and label the drug with the patient's full name.¹¹

For each drug dispensed, the pharmacist must provide directions for its use, as well as information concerning any side effects, adverse reactions, or known contraindications associated with it. The act specifies that it does not affect the authority of a pharmacist to distribute information concerning a drug as required by federal law.¹²

Immunity

The act grants immunity from civil liability, criminal prosecution, or professional discipline to a prescriber or pharmacist acting in good faith and in accordance with the act.¹³

⁹ R.C. 4723.4810(C), 4730.432(C), and 4731.93(D).

¹⁰ R.C. 4729.282(A).

¹¹ O.A.C. 4729-5-16 and 4729-5-30.

¹² R.C. 4729.282(B) and (D).

¹³ R.C. 4723.4810(D), 4729.282(C), 4730.432(D), and 4731.93(E).



HISTORY

ACTION	DATE
Introduced	03-18-15
Reported, H. Health & Aging	05-06-15
Passed House (90-6)	05-20-15
Reported, S. Health & Human Services	09-30-15
Passed Senate (32-0)	10-07-15
House concurred in Senate amendments (87-5)	12-08-15

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