



# Ohio Legislative Service Commission

## Bill Analysis

Audra Tidball

### Sub. H.B. 285

131st General Assembly  
(As Passed by the House)

**Reps.** Sprague, Becker, Bishoff, Blessing, Butler, Derickson, Dever, Ginter, Grossman, Hackett, Ryan, Huffman, Barnes, Brown, T. Johnson, Kuhns, Ramos, Schuring, Sykes, Antonio, Arndt, Boyd, Buchy, Craig, DeVitis, Green, Lepore-Hagan, Manning, M. O'Brien, Rogers, Scherer, Sheehy, Sweeny, Thompson, Young

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## BILL SUMMARY

- Authorizes a pharmacist, in the case of certain drugs that are not controlled substances, to dispense a quantity or amount of a drug that varies from the quantity or amount that otherwise would be dispensed pursuant to a prescription if certain conditions are met.

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## CONTENT AND OPERATION

### Simultaneous dispensing of prescription refills

The bill provides that, in the case of a prescription that authorizes a drug to be dispensed by refilling the prescription one or more times, a pharmacist who is filling or refilling the prescription may dispense a quantity or amount of the drug that varies from the quantity or amount of the drug that otherwise would be dispensed pursuant to the prescription if the following conditions are met:

#### Conditions related to quantity

-- The total quantity or amount of the drug that may be dispensed by filling and refilling the prescription does not exceed a 90-day supply of the drug.<sup>1</sup>

-- The action taken by the pharmacist does not result in a quantity or amount of the drug being dispensed that exceeds the total quantity or amount that may be dispensed by filling and refilling the prescription.<sup>2</sup>

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<sup>1</sup> R.C. 4729.40(A).

## Conditions related to the type of drug

-- The prescription is not for a controlled substance.<sup>3</sup>

-- The prescription is for one of the following:

(1) A maintenance drug to be taken on a regular, recurring basis to treat a chronic condition;

(2) A drug to be taken on a regular, recurring basis to prevent disease;

(3) A contraceptive.<sup>4</sup>

-- If the prescription is for a maintenance medication, the patient has used an initial 30-day supply of the drug, or a 90-day supply of the drug has previously been prescribed to the patient, and the pharmacist determines, after consulting with the patient, that the drug has stabilized the patient's condition.<sup>5</sup>

## Other conditions

-- The prescriber did not include limiting language on the prescription, such as "dispense as written," or otherwise specify that the quantity or amount of the drug to be dispensed may not vary from the quantity or amount specified in the prescription.<sup>6</sup>

-- Dispensing multiple refills is appropriate for the patient, as determined by the pharmacist's exercise of professional judgment after consulting with the patient.<sup>7</sup>

Currently, administrative rules adopted by the State Board of Pharmacy prevent a pharmacist from dispensing a quantity of drugs greater than that prescribed without the prescriber's authorization.<sup>8</sup>

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<sup>2</sup> R.C. 4729.40(A)(1).

<sup>3</sup> R.C. 4729.40(A)(4).

<sup>4</sup> R.C. 4729.40(A)(2).

<sup>5</sup> R.C. 4729.40(A)(3).

<sup>6</sup> R.C. 4729.40(A)(5).

<sup>7</sup> R.C. 4729.40(A)(6).

<sup>8</sup> O.A.C. 4729-5-21(H).



## Health benefit plans

The bill provides that it does not require a health care insurer, government health care program, pharmacy benefit manager or other entity that offers health benefit plans to provide coverage for a drug in a manner that is inconsistent with the patient's benefit plan.<sup>9</sup>

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### HISTORY

ACTION	DATE
Introduced	07-13-15
Reported, H. Health & Aging	05-18-16
Passed House (97-0)	05-24-16

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<sup>9</sup> R.C. 4729.40(B).

