



OHIO LEGISLATIVE SERVICE COMMISSION

Final Analysis

Matthew Magner

Sub. H.B. 285

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

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

Sens. Beagle, Jones, Tavares, Brown, Eklund, Hite, Hughes, Lehner, Manning, Oelslager, Patton, Schiavoni, Seitz, Thomas, Uecker, Yuko

Effective date: April 6, 2017

ACT SUMMARY

- For certain drugs that are not controlled substances, authorizes a pharmacist to dispense an amount that varies from the amount that would otherwise be dispensed pursuant to a prescription if specified conditions are met.

CONTENT AND OPERATION

Prescription drug quantity or amount

The act authorizes a pharmacist who is filling or refilling a prescription that has one or more refills to dispense the drug in a quantity or amount that varies from the quantity or amount that would otherwise be dispensed. This authority is contingent on meeting conditions specified in the act, including conditions concerning the quantity or amount that may be dispensed and the type of drug prescribed.

Quantity or amount

-- The total quantity or amount of the drug that may be dispensed by filling and refilling the prescription must not exceed a 90-day supply.

* This version updates the effective date.

-- The pharmacist's action must not result in more of the drug being dispensed than the total quantity or amount that may be dispensed by filling and refilling the prescription.

Type of drug

-- The prescription must not be for a controlled substance.

-- The prescription must be 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.

-- If the prescription is for a maintenance drug, both of the following must be the case: (1) the patient has used an initial 30-day supply or a 90-day supply has previously been prescribed to the patient and (2) the pharmacist determines, after consulting with the patient, that the drug has stabilized the patient's condition.

Other conditions

-- The prescriber must not have included limiting language on the prescription, such as "dispense as written," or otherwise specified that the quantity or amount to be dispensed may not vary from the quantity or amount specified in the prescription.

-- Dispensing the drug in an amount that varies from the prescription must be appropriate for the patient, as determined by the pharmacist's exercise of professional judgment after consulting with the patient.

Health benefit plans

The act specifies 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.

HISTORY

ACTION	DATE
Introduced	07-13-15
Reported, H. Health & Aging	05-18-16
Passed House (97-0)	05-24-16
Reported, S. Health & Human Services	11-30-16
Passed Senate (32-0)	12-07-16

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