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Bill Analysis

Legislative Service Commission

H.B. 99

127th General Assembly
(As Introduced)

Reps. Schneider, Chandler, J. Stewart, Dodd, Ujvagi, Wagoner, Combs, Skindell, Collier, Schindel, Peterson, Setzer, Stebelton, Uecker

BILL SUMMARY

- Prohibits a pharmacist from interchanging a drug for epilepsy or seizures without notifying the health professional who prescribed the drug and receiving the written consent of the prescriber and the patient.

CONTENT AND OPERATION

Conditions on the interchange of epilepsy drugs

(R.C. 4729.382)

The bill generally prohibits a pharmacist from knowingly interchanging a drug prescribed for the treatment of epilepsy or a drug prescribed to treat or prevent seizures. To interchange either of these drugs, both of the following conditions must be met:

- (1) The pharmacist must notify the prescriber.
- (2) The pharmacist must receive a signed statement consenting to the interchange from the prescriber and either the patient or the patient's parent, legal guardian, or spouse.

The bill defines "interchange" as the substitution of a generically equivalent drug for the prescribed drug, or substitution of a different drug for the drug prescribed. The bill specifies that the interchange of a drug includes any of the following actions: substitution of a generic brand of the drug for the brand prescribed, substitution of one generic brand of the drug for another generic brand, substitution of one formulation of the drug for another, and substitution of one therapeutic drug treatment for another.

"Epilepsy" is defined as a neurological condition characterized by recurrent seizures. "Seizure" is defined as a brief disturbance in the electrical activity of the

brain. The term "epilepsy drug" is used to refer to both a drug prescribed for the treatment of epilepsy and a drug prescribed to treat or prevent seizures.

Selection of generically equivalent drugs for epilepsy

(R.C. 4729.38(A)(4))

Current law generally permits a pharmacist filling a prescription for a brand name drug to select a generically equivalent drug. A generic drug cannot be selected if the prescriber or the person receiving the drug has instructed otherwise or the generic drug is more expensive than the prescribed drug. The patient must be informed of the right to refuse the generic drug, except when the prescription is for a patient in a hospital, nursing home, or similar facility or the pharmacy will be reimbursed by an agency, division, or department of the state.

Under the bill, to select a generically equivalent drug for a brand name drug prescribed to treat epilepsy, the pharmacist must receive the signed consent statement required by the bill, in addition to meeting the existing conditions for selecting a generically equivalent drug.

Penalties

(R.C. 4729.99)

Under current law, a pharmacist who does not comply with the conditions that must be met for the selection of a generically equivalent drug is guilty of a minor misdemeanor.¹ Each day's violation is a separate offense.

The bill applies the same penalty to a pharmacist who interchanges a prescribed epilepsy drug without notifying the prescriber and receiving the statement consenting to the interchange.

HISTORY

ACTION	DATE
Introduced	03-06-07

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¹ A person sentenced for a minor misdemeanor is subject to a fine of not more than \$150 (R.C. 2929.28).