



Ohio Legislative Service Commission

Bill Analysis

Lisa Musielewicz

S.B. 307

129th General Assembly
(As Introduced)

Sens. Turner, Tavares

BILL SUMMARY

- Prohibits a person other than a physician from issuing to a patient a prescription for a drug intended to treat symptoms of erectile dysfunction.
- Requires a physician to take certain steps before and after issuing a prescription for a drug intended to treat symptoms of erectile dysfunction.
- Authorizes the State Medical Board to take disciplinary action against a physician who violates the bill.

CONTENT AND OPERATION

Prescriptions for drugs intended to treat symptoms of erectile dysfunction

Prescription issuance

The bill prohibits a person other than a physician from issuing to a patient a prescription for a drug intended to treat symptoms of erectile dysfunction.¹ The bill defines a physician as an individual authorized by the State Medical Board to practice medicine and surgery or osteopathic medicine and surgery.² According to the National Kidney and Urologic Diseases Information Clearinghouse, erectile dysfunction is the inability to get or keep an erection firm enough for sexual intercourse. Erectile

¹ R.C. 4731.45(A).

² R.C. 4731.45.

dysfunction can be a total inability to achieve an erection, an inconsistent ability to do so, or a tendency to sustain only brief erections.³

Actions to be taken before prescribing

The bill requires a physician to take certain actions prior to issuing a prescription for a drug intended to treat symptoms of erectile dysfunction. Specifically, a physician must do all of the following:⁴

(1) Obtain from the patient a notarized affidavit in which at least one of the patient's sexual partners certifies that the patient has experienced symptoms of erectile dysfunction in the 90 days preceding the date on the affidavit;

(2) Refer the patient to a sexual therapist approved by the State Medical Board for an assessment of the possible causes of the patient's symptoms of erectile dysfunction and obtain a written report in which the therapist concludes that the patient's symptoms are not solely attributable to one or more psychological conditions;

(3) Conduct a cardiac stress test and obtain a result, described in writing, indicating that the patient's cardiac health is compatible with sexual activity;

(4) Notify the patient in writing of the potential risks and complications associated with taking drugs intended to treat erectile dysfunction and obtain the patient's signature on a form acknowledging the patient's receipt of the notification;

(5) Declare in writing, under penalty of perjury, that the drug the physician is prescribing is necessary to treat the patient's symptoms of erectile dysfunction and attach to the declaration a statement that clearly describes the physician's medical rationale for issuing the prescription;

(6) Place all documents described in (1) to (5), above, in the patient's medical record and retain the documents as part of that record for not less than seven years.

Actions to be taken after prescribing

The bill requires a physician to do both of the following as part of the physician's course of treatment for the patient, including treatment rendered by issuing a

³ National Kidney and Urologic Diseases Information Clearinghouse, *Erectile Dysfunction* (last visited November 30, 2012), available at <<http://kidney.niddk.nih.gov/kudiseases/pubs/ed/index.aspx>>.

⁴ R.C. 4731.45(B).

prescription authorizing one or more refills for the drug originally prescribed or a prescription for another drug intended to treat symptoms of erectile dysfunction:⁵

(1) Require the patient to undergo a cardiac stress test every 90 days while the patient is taking the drug to ensure that the patient's cardiac health continues to be compatible with sexual activity;

(2) Require the patient to attend three sessions of outpatient counseling within a period of not less than six months after the drug is initially prescribed for purposes of ensuring the patient's understanding of the dangerous side effects of drugs intended to treat the symptoms of erectile dysfunction. The physician must ensure that the sessions include information on nonpharmaceutical treatments for erectile dysfunction, including sexual counseling and resources for patients to pursue celibacy as a viable lifestyle choice.

The bill specifies that the purpose of the requirements is to ensure the continued health of a patient to whom a prescription for a drug intended to treat symptoms of erectile dysfunction has been issued.⁶

Physician disciplinary action

The bill authorizes the State Medical Board to take disciplinary action against a physician who fails to comply with the bill's requirements.⁷ Law unchanged by the bill authorizes the Board, by an affirmative vote of not fewer than six members, to take disciplinary action against a physician for any of a number of reasons specified in statute. The Board may limit, revoke, or suspend a physician's certificate to practice, refuse to register a physician, refuse to reinstate a physician's certificate, or reprimand or place a physician on probation.⁸

HISTORY

ACTION	DATE
Introduced	03-06-12

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⁵ R.C. 4731.45(C)(1) and (2).

⁶ R.C. 4731.45(C).

⁷ R.C. 4731.22(B)(45).

⁸ R.C. 4731.22(B).