



Ohio Legislative Service Commission

Final Analysis

Audra Tidball

Am. S.B. 230

130th General Assembly
(As Passed by the General Assembly)

Sens. Manning and Oelslager, Jones, Lehner, Patton, Cafaro, Brown, Tavares, Eklund, LaRose, Schiavoni, Seitz, Skindell, Turner

Reps. Antonio, Barnes, Bishoff, Brown, Schuring, Sprague, Burkley, Grossman, Hackett, Lundy, Maag, Sears, Smith, Young, Batchelder

Effective date: September 17, 2014

ACT SUMMARY

- Prohibits pharmacists and pharmacy interns from dispensing certain non-self-injectable cancer drugs by delivering them or causing them to be delivered directly to the patient, the patient's representative, or the patient's private residence.
- Specifies that the dispensing prohibition does not apply when the patient's private residence is an institutional or health care facility or, if certain notifications have been provided, when the patient is a hospice patient or home health agency client.
- Eliminates the requirement that the executive director of the State Board of Pharmacy be a licensed pharmacist.

CONTENT AND OPERATION

Non-self-injectable cancer drugs

Prohibition on direct delivery

The act generally prohibits a pharmacist or pharmacy intern from dispensing a dangerous drug that is (a) indicated for the treatment of cancer or a cancer-related illness, (b) must be administered intravenously or by subcutaneous injection, and (c) cannot reasonably be self-administered by the patient to whom the drug is prescribed

or by an individual assisting the patient with the self-administration, by delivering the drug directly to, or causing the drug to be directly delivered to, any of the following:¹

(1) The patient;

(2) The patient's representative, which may include the patient's guardian or a family member or friend of the patient;

(3) The patient's private residence.

Under Ohio's drug laws, a "dangerous drug" is generally classified as a drug that may be legally dispensed only on a prescription.²

Exceptions

A pharmacist or pharmacy intern may dispense a drug described above to the patient's private residence if one of the following is the case:³

(1) The patient's private residence is a nursing home, residential care facility, rehabilitation facility, or similar institutional facility or health care facility.

(2) If the patient is an adult and a hospice patient or client of a home health agency, the patient, licensed health professional who prescribed the drug to the patient, or an employee or agent of the prescriber has notified the pharmacist or pharmacy intern that the patient is a hospice patient or home health agency client, and an employee or agent of the hospice care program or home health agency will be administering the drug to the patient.

(3) If the patient is a minor and a hospice patient or home health agency client, either of the following has notified the pharmacist or pharmacy intern that the patient is a hospice patient or home health agency client, and an employee or agent of the program or agency will be administering the drug to the patient: (a) the licensed health professional who prescribed the drug to the patient or an employee or agent of the prescriber or (b) the parent, guardian, or other person who has care or charge of the patient and is authorized to consent to medical treatment on the patient's behalf.

¹ R.C. 4729.43(B).

² R.C. 4729.01(F), not in the act.

³ R.C. 4729.43(A) and (B)(3).



Penalties

A pharmacist or pharmacy intern who willfully violates, conspires to violate, attempts to violate, or aids and abets a violation of the act's dispensing prohibition may be subject to disciplinary action by the State Board of Pharmacy. The actions that may be taken include revoking, suspending, or limiting the pharmacist's or intern's identification card; placing the pharmacist's or intern's identification card on probation; refusing to grant or renew the pharmacist's or intern's identification card; or imposing a monetary penalty or forfeiture not to exceed \$500.⁴

State Board of Pharmacy executive director

The act eliminates a provision that required the executive director of the State Board of Pharmacy to be a pharmacist. The requirement to employ an executive director continues, but the person employed no longer must be a licensed pharmacist in good standing in the practice of pharmacy in Ohio.⁵

HISTORY

ACTION	DATE
Introduced	11-07-13
Reported, S. Medicaid, Health & Human Services	01-22-14
Passed Senate (31-1)	01-22-14
Reported, H. Health & Aging	05-21-14
Passed House (88-6)	06-03-14
Senate concurred in House amendments (29-3)	06-04-14

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⁴ R.C. 4729.16(A)(5), not in the act.

⁵ R.C. 4729.03.

