Fiscal Note & Local Impact Statement

Bill:	Am. Sub. H.B. 44 of the 130th G.A.	**Date**:	February 26, 2014
Status:	As Enacted	**Sponsor**:	Rep. McClain

Local Impact Statement Procedure Required: No

Contents: To develop protocols regarding the authority to administer, deliver, distribute, or dispense drugs during certain public health emergencies

State Fiscal Highlights

- The Ohio Department of Health (ODH), State Board of Pharmacy, and certain other state professional regulatory boards could realize an increase in administrative costs related to the development of protocols. ODH and the State Board of Pharmacy anticipate these costs to be minimal. The Emergency Management Agency might also have minimal administrative costs associated with this. The other state professional regulatory boards could have negligible increases in costs.

- The bill could reduce the liability of the state by exempting certain licensed professionals who work in state-operated medical facilities, such as state hospitals, from liability if the individual administers, delivers, distributes, or dispenses a drug under a protocol.

Local Fiscal Highlights

- The bill could reduce the liability of local governments by exempting certain licensed professionals who work in local government-operated medical facilities, such as county hospitals and local departments of health, from liability if the individual administers, delivers, distributes, or dispenses a drug under a protocol.

Detailed Fiscal Analysis

The bill requires the Director of Health, in consultation with appropriate state professional regulatory boards, to develop one or more protocols that authorize certain specified license holders to administer, deliver, or distribute drugs, other than schedule II and III controlled substances, during an emergency that affects the public health, as declared by the Governor. The bill requires the Director of Health, in consultation with the Executive Director of the Emergency Management Agency, to develop one or more protocols that authorize employees of boards of health and registered volunteers to deliver or distribute drugs, other than schedule II and III controlled substances, during an emergency that affects public health as declared by the Governor. The bill also requires the Director of Health, in consultation with the State Board of Pharmacy, to develop one or more protocols that authorize pharmacists and pharmacy interns, during such an emergency, to dispense limited quantities of dangerous drugs, other than schedule II and III controlled substances, without a written, oral, or electronic prescription from a licensed health professional authorized to prescribe drugs or without a record of a prescription. After an emergency has been declared, the Director of Health may issue an order to implement one or more protocols. The Ohio Department of Health and the State Board of Pharmacy anticipate a minimal increase in administrative costs as a result of these requirements. The Emergency Management Agency might also have minimal costs. LSC contacted the Respiratory Care Board and the State Medical Board to get a perspective of costs for the state professional regulatory boards. Each board contacted anticipated their costs to be negligible.

The bill specifies that an individual who administers, delivers, distributes, or dispenses a drug or dangerous drug in accordance with the protocols is not liable for damages in any civil action unless there is willful or wanton misconduct. Additionally, an individual who administers, delivers, distributes, or dispenses a drug or dangerous drug in accordance with protocols is not subject to criminal prosecution or professional disciplinary action. As a result, the bill could reduce the liability of the state and local government by exempting certain licensed professionals, who work in state and local government-operated medical facilities, from liability if an individual employed by the entity administers, delivers, distributes, or dispenses a drug under a protocol.