**As Introduced**

**133rd General Assembly**
**Regular Session** **H. B. No. 700**
**2019-2020**

**Representatives Holmes, A., Crossman**

# A BILL

To amend sections 1751.91, 3719.063, 3923.89, 4723.52, 4729.283, 4729.45, 4729.75, 4729.80, 4729.84, 4730.56, 4731.83, 5119.363, and 5164.14; to amend, for the purpose of adopting a new section number as indicated in parentheses, section 3719.064 (3719.067); and to enact new section 3719.064 and sections 3719.065, 3727.27, 3727.61, 4729.791, 4731.92, and 5119.441 of the Revised Code regarding making addiction treatment widely available.

## BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:

**Section 1.** That sections 1751.91, 3719.063, 3923.89, 4723.52, 4729.283, 4729.45, 4729.75, 4729.80, 4729.84, 4730.56, 4731.83, 5119.363, and 5164.14 be amended; section 3719.064 (3719.067) be amended for the purpose of adopting a new section number as indicated in parentheses; and new section 3719.064 and sections 3719.065, 3727.27, 3727.61, 4729.791, 4731.92, and 5119.441 of the Revised Code be enacted to read as follows:

**Sec. 1751.91.** A health insuring corporation may provide payment or reimbursement to a pharmacist for providing a health

care service to a patient if both of the following are the case:

(A) The pharmacist provided the health care service to the patient in accordance with Chapter 4729. of the Revised Code, including any of the following services:

(1) Managing drug therapy under a consult agreement with a physician pursuant to section 4729.39 of the Revised Code;

(2) Administering immunizations in accordance with section 4729.41 of the Revised Code;

(3) Administering drugs in accordance with section 4729.45 or 4731.92 of the Revised Code.

(B) The patient's individual or group health insuring corporation policy, contract, or agreement provides for payment or reimbursement of the service.

**Sec. 3719.063.** In the absence of gross negligence or intentional misconduct, a person who administers the drug naltrexone by injection, the person's employer, and the facility at which the drug is administered are not liable in any civil action or subject to criminal prosecution or professional discipline for any injury or damage caused by the injection or drug if all of the following conditions are met:

(A) The individual to whom the drug is administered is unable to have it administered as follows:

(1) By a person who routinely administers the drug to the individual;

(2) At the facility at which the drug is routinely administered to the individual;

(3) Under the direction of the drug's prescriber.

(B) The person who administers the drug under this section is legally authorized to administer it by injection but is not the prescriber of the drug or one who routinely administers it to the individual.

(C) The drug is provided to the person who administers it under this section in either of the following ways:

(1) By the individual to whom it is administered;

(2) By the pharmacy that has a record of a prescription for the drug in the name of the individual to whom it is administered.

(D) The person who administers the drug under this section is authorized to do so by that person's employer or the facility at which the drug is administered.

(E) This section does not apply in the case of an individual who administers an injectable long-acting or extended-release form of naltrexone in accordance with a protocol as authorized by section 4731.92 of the Revised Code.

**Sec. 3719.064.** (A) As used in this section and in section 3719.065 of the Revised Code, "prescriber" means any of the following:

(1) An advanced practice registered nurse who holds a current, valid license issued under Chapter 4723. of the Revised Code and is designated as a clinical nurse specialist, certified nurse-midwife, or certified nurse practitioner;

(2) A physician authorized under Chapter 4731. of the Revised Code to practice medicine and surgery or osteopathic medicine and surgery;

(3) A physician assistant who is licensed under Chapter

4730. of the Revised Code, holds a valid prescriber number issued by the state medical board, and has been granted physician-delegated prescriptive authority.

(B) To the extent permitted by federal law, a prescriber who prescribes opioid analgesics shall offer, during business hours at the location where the prescriber practices, administration of injectable long-acting or extended-release forms of naltrexone. The administration may be delegated in accordance with rules adopted under section 4723.48, 4730.203, or 4731.053 of the Revised Code, as applicable.

A prescriber who delegates the administration of injectable long-acting or extended-release forms of naltrexone is not liable in damages to any person or government entity in a civil action for injury, death, or loss to person or property that allegedly arises from an act or omission of the delegate in administering naltrexone, if the prescriber delegates in accordance with this chapter and rules adopted under Chapter 4723., 4730., or 4731. of the Revised Code, as applicable.

**Sec. 3719.065.** (A) A prescriber who prescribes methadone or noninjectable forms of buprenorphine shall taper the patient off the drug within sixty days. If such tapering is not possible, only daily doses of those drugs may be personally furnished by the prescriber thereafter.

(B) Any prescriber who has obtained a waiver to treat opioid addiction as provided under the federal Drug Addiction Treatment Act of 2000 (DATA 2000), 21 U.S.C. 823(g), is required to have completed training regarding injectable long-acting or extended-release forms of naltrexone and burprenorphine. The state board of pharmacy shall review training programs, including training programs provided by organizations identified

in DATA 2000, and approve, for purposes of this section, those it determines meet the requirement of providing the training as specified in this division.

**Sec. ~~3719.064~~ 3719.067.** (A) As used in this section:

(1) "Medication-assisted treatment" has the same meaning as in section 340.01 of the Revised Code.

(2) "Prescriber" means any of the following:

(a) An advanced practice registered nurse who holds a current, valid license issued under Chapter 4723. of the Revised Code and is designated as a clinical nurse specialist, certified nurse-midwife, or certified nurse practitioner;

(b) A physician authorized under Chapter 4731. of the Revised Code to practice medicine and surgery or osteopathic medicine and surgery;

(c) A physician assistant who is licensed under Chapter 4730. of the Revised Code, holds a valid prescriber number issued by the state medical board, and has been granted physician-delegated prescriptive authority.

(3) "Qualifying practitioner" has the same meaning as in section 303(g)(2)(G)(iii) of the "Controlled Substances Act of 1970," 21 U.S.C. 823(g)(2)(G)(iii), as amended.

(B) Before initiating medication-assisted treatment, a prescriber shall give the patient or the patient's representative information about all drugs approved by the United States food and drug administration for use in medication-assisted treatment. The information must be provided both orally and in writing. The prescriber or the prescriber's delegate shall note in the patient's medical record when this

information was provided and make the record available to employees of the board of nursing or state medical board on their request.

If the prescriber is not a qualifying practitioner and the patient's choice is opioid treatment and the prescriber determines that such treatment is clinically appropriate and meets generally accepted standards of medicine, the prescriber shall refer the patient to an opioid treatment program licensed under section 5119.37 of the Revised Code or a qualifying practitioner. The prescriber or the prescriber's delegate shall make a notation in the patient's medical record naming the program or practitioner to whom the patient was referred and specifying when the referral was made.

**Sec. 3727.27.** If a hospital fails to treat drug addiction with at least eight inpatient beds and an outpatient program, as determined by the director of health, any exemptions or exclusions from taxation authorized by sections 140.08, 5709.08, 5709.12, 5709.121, division (B)(1) or (12) of section 5739.02, and division (E)(8) of section 5751.01 of the Revised Code that otherwise apply to the hospital shall cease to apply to that hospital on and after the first day of January of the year following the year in which the determination was made that the hospital is no longer in compliance, notwithstanding anything to the contrary in those sections. On and after that date, the real property owned or held by the hospital shall become subject to property taxation; purchases of tangible personal property or services by the hospital shall be subject to sales and use taxes levied under Chapter 5739. or 5741. of the Revised Code to the extent otherwise applicable to such transactions; and the hospital shall become a taxpayer for the purposes of the tax levied under Chapter 5751. of the Revised Code. Such real

property shall continue to be taxable for each tax year until the tax year preceding the tax year in which the determination is made that tax-exempt status is restored; such purchases shall continue to be subject to sales and use taxes levied under Chapter 5739. or 5741. of the Revised Code until the first day of the first month that begins after the date that determination is made; and the hospital shall continue to be a taxpayer for the purposes of the tax levied under Chapter 5751. of the Revised Code until the first day of the tax period that begins after the date that determination is made.

Nothing in this section affects the continued exemption from taxation, under section 140.08 of the Revised Code, of obligations issued under section 133.08, 140.06, or 339.15 of the Revised Code or Section 3 of Article XVIII, Ohio Constitution, to pay costs of hospital facilities or to refund such obligations, the transfer of such obligations, the interest and other income from such obligations, or any profit made on their sale.

The director of health may adopt rules as the director considers necessary to implement this section.

**Sec. 3727.61.** Each hospital shall perform, on demand and regardless of ability to pay or health insurance coverage, a laboratory test of liver function, the results of which may be used by a person identified in division (B) of section 4731.92 of the Revised Code to determine whether it is appropriate to administer to the person tested an injectable long-acting or extended-release form of naltrexone for treatment of drug addiction.

**Sec. 3923.89.** A sickness and accident insurer or public employee benefit plan may provide payment or reimbursement to a

pharmacist for providing a health care service to a patient if both of the following are the case:

(A) The pharmacist provided the health care service to the patient in accordance with Chapter 4729. of the Revised Code, including any of the following services:

(1) Managing drug therapy under a consult agreement with a physician pursuant to section 4729.39 of the Revised Code;

(2) Administering immunizations in accordance with section 4729.41 of the Revised Code;

(3) Administering drugs in accordance with section 4729.45 or 4731.92 of the Revised Code.

(B) The patient's individual or group policy of sickness and accident insurance or public employee benefit plan provides for payment or reimbursement of the service.

**Sec. 4723.52.** (A) As used in this section:

(1) "Community addiction services provider" has the same meaning as in section 5119.01 of the Revised Code.

(2) "Medication-assisted treatment" has the same meaning as in section 340.01 of the Revised Code.

(B) An advanced practice registered nurse shall comply with section ~~3719.064~~ 3719.067 of the Revised Code and rules adopted under section 4723.51 of the Revised Code when treating a patient for addiction with medication-assisted treatment or proposing to initiate such treatment.

(C) An advanced practice registered nurse who fails to comply with this section shall treat not more than thirty patients at any one time with medication-assisted treatment even

if the facility or location at which the treatment is provided is either of the following:

(1) Exempted by divisions (B)(2)(a) to (d) of section 4729.553 of the Revised Code from being required to possess a category III terminal distributor of dangerous drugs license with an office-based opioid treatment classification;

(2) A community addiction services provider that provides alcohol and drug addiction services that are certified by the department of mental health and addiction services under section 5119.36 of the Revised Code.

**Sec. 4729.283.** (A) A pharmacist may dispense naltrexone without a written or oral prescription from a licensed health professional authorized to prescribe drugs if all of the following conditions are met:

(1) The pharmacist is able to verify a record of a prescription for the injectable long-acting or extended-release form of naltrexone in the name of the patient who is requesting the drug, but the prescription does not provide for a refill or the time permitted by rules adopted by the state board of pharmacy for providing refills has elapsed.

(2) The pharmacist is unable to obtain authorization to refill the prescription from the prescriber who issued it or another prescriber responsible for the patient's care.

(3) In the exercise of the pharmacist's professional judgment:

(a) The drug is necessary to continue the patient's therapy for substance use disorder.

(b) Failure to dispense the drug to the patient could

result in harm to the health of the patient.

(B) Before dispensing naltrexone under this section, the pharmacist shall offer the patient the choice of receiving either the oral form or injectable long-acting or extended-release form, but only if both forms of the drug are available for dispensing at the time of the patient's request or within one day after the request.

(C)(1) With respect to naltrexone dispensed in an oral form under this section, the pharmacist shall not dispense an amount that exceeds a five-day supply.

(2) With respect to naltrexone dispensed in an injectable long-acting or extended-release form under this section, both of the following apply:

(a) The pharmacist shall exercise professional judgment in determining the amount of the drug dispensed.

(b) The pharmacist may administer the drug by injection to the patient but only in accordance with section ~~4729.45~~ 4731.92 of the Revised Code.

(D) A pharmacist who dispenses naltrexone under this section shall do all of the following:

(1) For one year after the date of dispensing, maintain a record in accordance with this chapter of the drug dispensed, including the amount and form dispensed, the original prescription number, the name and address of the patient and, if the individual receiving the drug is not the patient, the name and address of that individual;

(2) Notify the prescriber who issued the prescription described in division (A)(1) of this section or another

prescriber responsible for the patient's care not later than five days after the drug is dispensed;

(3) If applicable, obtain authorization for additional dispensing from one of the prescribers described in division (D)(2) of this section.

(E) A pharmacist shall exercise professional judgment in determining the number of times naltrexone may be dispensed under this section to the same patient.

(F) This section does not limit the authority of a pharmacist to dispense a dangerous drug under section 4729.281 of the Revised Code.

**Sec. 4729.45.** (A) As used in this section, "physician" means an individual authorized under Chapter 4731. of the Revised Code to practice medicine and surgery or osteopathic medicine and surgery.

(B)(1) Subject to division (C) of this section, a pharmacist licensed under this chapter may administer by injection any of the following drugs as long as the drug that is to be administered has been prescribed by a physician and the individual to whom the drug was prescribed has an ongoing physician-patient relationship with the physician:

(a) ~~An opioid antagonist used for treatment of drug addiction and administered in a long-acting or extended-release form;~~

~~(b)~~ An antipsychotic drug administered in a long-acting or extended-release form;

~~(c)~~ (b) Hydroxyprogesterone caproate;

~~(d)~~ (c) Medroxyprogesterone acetate;

~~(c)~~ (d) Cobalamin.

(2) As part of engaging in the administration of drugs by injection pursuant to this section, a pharmacist may administer epinephrine or diphenhydramine, or both, to an individual in an emergency situation resulting from an adverse reaction to a drug administered by the pharmacist.

(C) To be authorized to administer drugs pursuant to this section, a pharmacist must do all of the following:

(1) Successfully complete a course in the administration of drugs that satisfies the requirements established by the state board of pharmacy in rules adopted under division ~~(H)~~ (G)(1)(a) of this section;

(2) Receive and maintain certification to perform basic life-support procedures by successfully completing a basic life-support training course that is certified by the American red cross or American heart association or approved by the state board of pharmacy;

(3) Practice in accordance with a protocol that meets the requirements of division ~~(F)~~ (E) of this section.

(D) Each time a pharmacist administers a drug pursuant to this section, the pharmacist shall do all of the following:

(1) Obtain permission in accordance with the procedures specified in rules adopted under division ~~(H)~~ (G) of this section and comply with the following requirements:

(a) Except as provided in division (D)(1)(c) of this section, for each drug administered by a pharmacist to an individual who is eighteen years of age or older, the pharmacist shall obtain permission from the individual.

(b) For each drug administered by a pharmacist to an individual who is under eighteen years of age, the pharmacist shall obtain permission from the individual's parent or other person having care or charge of the individual.

(c) For each drug administered by a pharmacist to an individual who lacks the capacity to make informed health care decisions, the pharmacist shall obtain permission from the person authorized to make such decisions on the individual's behalf.

(2) ~~In the case of an opioid antagonist described in division (B) of this section, obtain in accordance with division (E) of this section test results indicating that it is appropriate to administer the drug to the individual if either of the following is to be administered:~~

~~(a) The initial dose of the drug;~~

~~(b) Any subsequent dose, if the administration occurs more than thirty days after the previous dose of the drug was administered.~~

~~(3)~~ Observe the individual to whom the drug is administered to determine whether the individual has an adverse reaction to the drug;

~~(4)~~ (3) Notify the physician who prescribed the drug that the drug has been administered to the individual.

(E) ~~A pharmacist may obtain the test results described in division (D)(2) of this section in either of the following ways:~~

~~(1) From the physician;~~

~~(2) By ordering blood and urine tests for the individual to whom the opioid antagonist is to be administered.~~

~~If a pharmacist orders blood and urine tests, the pharmacist shall evaluate the results of the tests to determine whether they indicate that it is appropriate to administer the opioid antagonist. A pharmacist's authority to evaluate test results under this division does not authorize the pharmacist to make a diagnosis.~~

~~(F)~~ All of the following apply with respect to the protocol required by division (C)(3) of this section:

(1) The protocol must be established by a physician who has a scope of practice that includes treatment of the condition for which the individual has been prescribed the drug to be administered.

(2) The protocol must satisfy the requirements established in rules adopted under division ~~(H)~~ (G)(1)(b) of this section.

(3) The protocol must do all of the following:

(a) Specify a definitive set of treatment guidelines;

(b) Specify the locations at which a pharmacist may engage in the administration of drugs pursuant to this section;

(c) Include provisions for implementing the requirements of division (D) of this section, including for purposes of division (D)~~(3)~~ (2) of this section provisions specifying the length of time and location at which a pharmacist must observe an individual who receives a drug to determine whether the individual has an adverse reaction to the drug;

(d) Specify procedures to be followed by a pharmacist when administering epinephrine, diphenhydramine, or both, to an individual who has an adverse reaction to a drug administered by the pharmacist.

~~(G)~~ (F) A pharmacist shall not do either of the following:

(1) Engage in the administration of drugs pursuant to this section unless the requirements of division (C) of this section have been met;

(2) Delegate to any person the pharmacist's authority to engage in the administration of drugs pursuant to this section.

~~(H)~~ (G)(1) The state board of pharmacy shall adopt rules to implement this section. The rules shall be adopted in accordance with Chapter 119. of the Revised Code and include all of the following:

(a) Requirements for courses in administration of drugs;

(b) Requirements for protocols to be followed by pharmacists in administering drugs pursuant to this section;

(c) Procedures to be followed by a pharmacist in obtaining permission to administer a drug to an individual.

(2) The board shall consult with the state medical board before adopting rules regarding requirements for protocols under this section.

**Sec. 4729.75.** The state board of pharmacy may establish and maintain a drug database. The board shall use the drug database to monitor the misuse and diversion of the following: controlled substances, as defined in section 3719.01 of the Revised Code; medical marijuana, as authorized under Chapter 3796. of the Revised Code; and other dangerous drugs the board includes in the database pursuant to rules adopted under section 4729.84 of the Revised Code.

The board also shall use the drug database to monitor naltrexone, including the administration of injectable long-

acting or extended-release forms of naltrexone as authorized under section 4731.92 of the Revised Code.

In establishing and maintaining the database, the board shall electronically collect information pursuant to sections 4729.77, 4729.771, 4729.772, 4729.78, ~~and~~ 4729.79, and 4729.791 of the Revised Code and shall disseminate information as authorized or required by sections 4729.80 and 4729.81 of the Revised Code. The board's collection and dissemination of information shall be conducted in accordance with rules adopted under section 4729.84 of the Revised Code.

**Sec. 4729.791.** (A)(1) If the state board of pharmacy establishes and maintains a drug database pursuant to section 4729.75 of the Revised Code, the following individuals who administer injectable long-acting or extended-release forms of naltrexone shall submit to the board the information identified in division (A)(2) of this section:

(a) A licensed health professional authorized to prescribe drugs;

(b) An individual identified in division (B) of section 4731.92.

(2) Each individual identified in division (A) of this section shall submit the following information to the board:

(a) The individual's name and licensing board;

(b) The name of the individual receiving the drug by injection;

(c) The date the drug was administered;

(d) The name, strength, and national drug code of the drug furnished;

(e) Any other information specified by the board in rules adopted under section 4729.84 of the Revised Code.

(B) If the state board of pharmacy establishes and maintains a drug database pursuant to section 4729.75 of the Revised Code, each licensed health professional who receives test results indicating whether or not it is appropriate to administer to an individual an injectable long-acting or extended-release form of naltrexone shall submit to the board the following:

(1) Health professional identification;

(2) Patient identification;

(3) Date and results of the test;

(4) Any other information specified by the board in rules adopted under section 4729.84 of the Revised Code.

(C) Information required by this section shall be transmitted as specified by the board in rules adopted under section 4729.84 of the Revised Code.

The information shall be submitted electronically in the format specified by the board, except that the board may grant a waiver allowing the individual to submit the information in another format.

The information shall be submitted in accordance with any time limits specified by the board, except that the board may grant an extension if either of the following occurs:

(1) The individual's transmission system suffers a mechanical or electronic failure or the individual cannot meet the deadline for other reasons beyond the individual's control.

(2) The board is unable to receive electronic submissions.

(D) If the board becomes aware of an individual's failure to comply with this section, the board shall notify the government entity responsible for licensing the individual.

**Sec. 4729.80.** (A) If the state board of pharmacy establishes and maintains a drug database pursuant to section 4729.75 of the Revised Code, the board is authorized or required to provide information from the database only as follows:

(1) On receipt of a request from a designated representative of a government entity responsible for the licensure, regulation, or discipline of health care professionals with authority to prescribe, administer, or dispense drugs, the board may provide to the representative information from the database relating to the professional who is the subject of an active investigation being conducted by the government entity or relating to a professional who is acting as an expert witness for the government entity in such an investigation.

(2) On receipt of a request from a federal officer, or a state or local officer of this or any other state, whose duties include enforcing laws relating to drugs, the board shall provide to the officer information from the database relating to the person who is the subject of an active investigation of a drug abuse offense, as defined in section 2925.01 of the Revised Code, being conducted by the officer's employing government entity.

(3) Pursuant to a subpoena issued by a grand jury, the board shall provide to the grand jury information from the database relating to the person who is the subject of an

investigation being conducted by the grand jury.

(4) Pursuant to a subpoena, search warrant, or court order in connection with the investigation or prosecution of a possible or alleged criminal offense, the board shall provide information from the database as necessary to comply with the subpoena, search warrant, or court order.

(5) On receipt of a request from a prescriber or the prescriber's delegate approved by the board, the board shall provide to the prescriber a report of information from the database relating to a patient who is either a current patient of the prescriber or a potential patient of the prescriber based on a referral of the patient to the prescriber, if all of the following conditions are met:

(a) The prescriber certifies in a form specified by the board that it is for the purpose of providing medical treatment to the patient who is the subject of the request;

(b) The prescriber has not been denied access to the database by the board.

(6) On receipt of a request from a pharmacist or the pharmacist's delegate approved by the board, the board shall provide to the pharmacist information from the database relating to a current patient of the pharmacist, if the pharmacist certifies in a form specified by the board that it is for the purpose of the pharmacist's practice of pharmacy involving the patient who is the subject of the request and the pharmacist has not been denied access to the database by the board.

(7) On receipt of a request from an individual seeking the individual's own database information in accordance with the procedure established in rules adopted under section 4729.84 of

the Revised Code, the board may provide to the individual the individual's own prescription history.

(8) On receipt of a request from a medical director or a pharmacy director of a managed care organization that has entered into a contract with the department of medicaid under section 5167.10 of the Revised Code and a data security agreement with the board required by section 5167.14 of the Revised Code, the board shall provide to the medical director or the pharmacy director information from the database relating to a medicaid recipient enrolled in the managed care organization, including information in the database related to prescriptions for the recipient that were not covered or reimbursed under a program administered by the department of medicaid.

(9) On receipt of a request from the medicaid director, the board shall provide to the director information from the database relating to a recipient of a program administered by the department of medicaid, including information in the database related to prescriptions for the recipient that were not covered or paid by a program administered by the department.

(10) On receipt of a request from a medical director of a managed care organization that has entered into a contract with the administrator of workers' compensation under division (B)(4) of section 4121.44 of the Revised Code and a data security agreement with the board required by section 4121.447 of the Revised Code, the board shall provide to the medical director information from the database relating to a claimant under Chapter 4121., 4123., 4127., or 4131. of the Revised Code assigned to the managed care organization, including information in the database related to prescriptions for the claimant that were not covered or reimbursed under Chapter 4121., 4123.,

4127., or 4131. of the Revised Code, if the administrator of workers' compensation confirms, upon request from the board, that the claimant is assigned to the managed care organization.

(11) On receipt of a request from the administrator of workers' compensation, the board shall provide to the administrator information from the database relating to a claimant under Chapter 4121., 4123., 4127., or 4131. of the Revised Code, including information in the database related to prescriptions for the claimant that were not covered or reimbursed under Chapter 4121., 4123., 4127., or 4131. of the Revised Code.

(12) On receipt of a request from a prescriber or the prescriber's delegate approved by the board, the board shall provide to the prescriber information from the database relating to a patient's mother, if the prescriber certifies in a form specified by the board that it is for the purpose of providing medical treatment to a newborn or infant patient diagnosed as opioid dependent and the prescriber has not been denied access to the database by the board.

(13) On receipt of a request from the director of health, the board shall provide to the director information from the database relating to the duties of the director or the department of health in implementing the Ohio violent death reporting system established under section 3701.93 of the Revised Code.

(14) On receipt of a request from a requestor described in division (A)(1), (2), (5), or (6) of this section who is from or participating with another state's prescription monitoring program, the board may provide to the requestor information from the database, but only if there is a written agreement under

which the information is to be used and disseminated according to the laws of this state.

(15) On receipt of a request from a delegate of a retail dispensary licensed under Chapter 3796. of the Revised Code who is approved by the board to serve as the dispensary's delegate, the board shall provide to the delegate a report of information from the database pertaining only to a patient's use of medical marijuana, if both of the following conditions are met:

(a) The delegate certifies in a form specified by the board that it is for the purpose of dispensing medical marijuana for use in accordance with Chapter 3796. of the Revised Code.

(b) The retail dispensary or delegate has not been denied access to the database by the board.

(16) On receipt of a request from a judge of a program certified by the Ohio supreme court as a specialized docket program for drugs, the board shall provide to the judge, or an employee of the program who is designated by the judge to receive the information, information from the database that relates specifically to a current or prospective program participant.

(17) On receipt of a request from a coroner, deputy coroner, or coroner's delegate approved by the board, the board shall provide to the requestor information from the database relating to a deceased person about whom the coroner is conducting or has conducted an autopsy or investigation.

(18) On receipt of a request from a prescriber, the board may provide to the prescriber a summary of the prescriber's prescribing record if such a record is created by the board. Information in the summary is subject to the confidentiality

requirements of this chapter.

(19)(a) On receipt of a request from a pharmacy's responsible person, the board may provide to the responsible person a summary of the pharmacy's dispensing record if such a record is created by the board. Information in the summary is subject to the confidentiality requirements of this chapter.

(b) As used in division (A)(19)(a) of this section, "responsible person" has the same meaning as in rules adopted by the board under section 4729.26 of the Revised Code.

(20) The board may provide information from the database without request to a prescriber or pharmacist who is authorized to use the database pursuant to this chapter.

(21)(a) On receipt of a request from a prescriber or pharmacist, or the prescriber's or pharmacist's delegate, who is a designated representative of a peer review committee, the board shall provide to the committee information from the database relating to a prescriber who is subject to the committee's evaluation, supervision, or discipline if the information is to be used for one of those purposes. The board shall provide only information that it determines, in accordance with rules adopted under section 4729.84 of the Revised Code, is appropriate to be provided to the committee.

(b) As used in division (A)(21)(a) of this section, "peer review committee" has the same meaning as in section 2305.25 of the Revised Code, except that it includes only a peer review committee of a hospital or a peer review committee of a nonprofit health care corporation that is a member of the hospital or of which the hospital is a member.

(22) Any personal health information submitted to the

board pursuant to section 4729.772 of the Revised Code may be provided by the board only as authorized by the submitter of the information and in accordance with rules adopted under section 4729.84 of the Revised Code.

(23) On receipt of a request from an individual identified in division (B) of section 4731.92 of the Revised Code, the board shall provide to the individual a report of information from the database pertaining only to a patient's treatment for drug addiction.

(B) The state board of pharmacy shall maintain a record of each individual or entity that requests information from the database pursuant to this section. In accordance with rules adopted under section 4729.84 of the Revised Code, the board may use the records to document and report statistics and law enforcement outcomes.

The board may provide records of an individual's requests for database information only to the following:

(1) A designated representative of a government entity that is responsible for the licensure, regulation, or discipline of health care professionals with authority to prescribe, administer, or dispense drugs who is involved in an active criminal or disciplinary investigation being conducted by the government entity of the individual who submitted the requests for database information;

(2) A federal officer, or a state or local officer of this or any other state, whose duties include enforcing laws relating to drugs and who is involved in an active investigation being conducted by the officer's employing government entity of the individual who submitted the requests for database information;

(3) A designated representative of the department of medicaid regarding a prescriber who is treating or has treated a recipient of a program administered by the department and who submitted the requests for database information.

(C) Information contained in the database and any information obtained from it is confidential and is not a public record. Information contained in the records of requests for information from the database is confidential and is not a public record. Information contained in the database that does not identify a person, including any licensee or registrant of the board or other entity, may be released in summary, statistical, or aggregate form.

(D) A pharmacist or prescriber shall not be held liable in damages to any person in any civil action for injury, death, or loss to person or property on the basis that the pharmacist or prescriber did or did not seek or obtain information from the database.

**Sec. 4729.84.** For purposes of establishing and maintaining a drug database pursuant to section 4729.75 of the Revised Code, the state board of pharmacy shall adopt rules in accordance with Chapter 119. of the Revised Code to carry out and enforce sections 4729.75 to 4729.83 of the Revised Code. The rules shall specify all of the following:

(A) A means of identifying each patient, each terminal distributor of dangerous drugs, each purchase at wholesale of dangerous drugs, and each retail dispensary licensed under Chapter 3796. of the Revised Code about which information is entered into the drug database;

(B) Requirements for the transmission of information from

terminal distributors of dangerous drugs, manufacturers of dangerous drugs, outsourcing facilities, repackagers of dangerous drugs, wholesale distributors of dangerous drugs, prescribers, ~~and~~ retail dispensaries, and other individuals required to transmit information to the board;

(C) An electronic format for the submission of information from persons identified in division (B) of this section;

(D) A procedure whereby a person unable to submit information electronically may obtain a waiver to submit information in another format;

(E) A procedure whereby the board may grant a request from a law enforcement agency or a government entity responsible for the licensure, regulation, or discipline of licensed health professionals authorized to prescribe drugs that information that has been stored for three years be retained when the information pertains to an open investigation being conducted by the agency or entity;

(F) A procedure whereby a person identified in division (B) of this section may apply for an extension to the time by which information must be transmitted to the board;

(G) A procedure whereby a person or government entity to which the board is authorized to provide information may submit a request to the board for the information and the board may verify the identity of the requestor;

(H) Standards for determining what information is appropriate to be provided under division (A)(21) of section 4729.80 of the Revised Code;

(I) A procedure whereby the board can use the database request records required by division (B) of section 4729.80 of

the Revised Code to document and report statistics and law enforcement outcomes;

(J) A procedure whereby an individual may request the individual's own database information and the board may verify the identity of the requestor;

(K) A reasonable fee that the board may charge under section 4729.83 of the Revised Code for providing an individual with the individual's own database information pursuant to section 4729.80 of the Revised Code;

(L) The other specific dangerous drugs that, in addition to controlled substances, must be included in the database;

(M) The types of pharmacies licensed as terminal distributors of dangerous drugs that are required to submit prescription information to the board pursuant to section 4729.77 of the Revised Code;

(N) Additional data fields, recognized by the American society for automation in pharmacy, that licensed terminal distributors of dangerous drugs must submit to the board pursuant to section 4729.77 of the Revised Code;

(O) The information regarding medical marijuana dispensed to a patient that a retail dispensary is required to submit to the board pursuant to section 4729.771 of the Revised Code;

(P) Requirements for the transmission of information pursuant to section 4729.772 of the Revised Code and requirements for the release of such information by the board;

(Q) Any additional information that must be submitted to the board pursuant to section 4729.791 of the Revised Code.

**Sec. 4730.56.** (A) As used in this section:

(1) "Community addiction services provider" has the same meaning as in section 5119.01 of the Revised Code.

(2) "Medication-assisted treatment" has the same meaning as in section 340.01 of the Revised Code.

(B) A physician assistant shall comply with section ~~3719.064~~ 3719.067 of the Revised Code and rules adopted under section 4730.55 of the Revised Code when treating a patient with medication-assisted treatment or proposing to initiate such treatment.

(C) A physician assistant who fails to comply with this section shall treat not more than thirty patients at any one time with medication-assisted treatment even if the facility or location at which the treatment is provided is either of the following:

(1) Exempted by divisions (B)(2)(a) to (d) of section 4729.553 of the Revised Code from being required to possess a category III terminal distributor of dangerous drugs license with an office-based opioid treatment classification;

(2) A community addiction services provider that provides alcohol and drug addiction services that are certified by the department of mental health and addiction services under section 5119.36 of the Revised Code.

**Sec. 4731.83.** (A) As used in this section:

(1) "Medication-assisted treatment" has the same meaning as in section 340.01 of the Revised Code.

(2) "Physician" means an individual authorized by this chapter to practice medicine and surgery or osteopathic medicine and surgery.

(B) A physician shall comply with section ~~3719.064~~ 3719.067 of the Revised Code and rules adopted under section 4731.056 of the Revised Code when treating a patient with medication-assisted treatment or proposing to initiate such treatment.

(C) A physician who fails to comply with this section shall treat not more than thirty patients at any one time with medication-assisted treatment even if the facility or location at which the treatment is provided is either of the following:

(1) Exempted by divisions (B)(2)(a) to (d) of section 4729.553 of the Revised Code from being required to possess a category III terminal distributor of dangerous drugs license with an office-based opioid treatment classification;

(2) A community addiction services provider that provides alcohol and drug addiction services that are certified by the department of mental health and addiction services under section 5119.36 of the Revised Code.

**Sec. 4731.92.** (A) As used in this section, "physician" means an individual authorized to practice medicine and surgery or osteopathic medicine and surgery.

(B) Notwithstanding any conflicting provision of the Revised Code or rule adopted under it, any of the following individuals who comply with division (C) of this section may administer by injection, in accordance with a protocol that meets the requirements of division (F) of this section, long-acting or extended-release forms of naltrexone for treatment of drug addiction:

(1) A pharmacist licensed or otherwise authorized to practice by the state board of pharmacy under Chapter 4729. of

the Revised Code;

(2) A psychologist licensed or otherwise authorized to practice by the state board of psychology under Chapter 4732. of the Revised Code;

(3) An individual licensed or otherwise authorized to practice by the chemical dependency professionals board under Chapter 4758. of the Revised Code;

(4) An individual licensed or otherwise authorized to practice by the counselor, social worker, and marriage and family therapist board under Chapter 4757. of the Revised Code;

(5) An individual licensed or otherwise authorized to practice by the state board of emergency medical, fire, and transportation services under Chapter 4765. of the Revised Code;

(6) A police officer;

(7) A licensed health care professional not otherwise listed in this section that is specifically identified in a protocol that meets the requirements of division (F) of this section.

(C) To be authorized to administer injectable long-acting or extended-release forms of naltrexone pursuant to this section, an individual identified in division (B) of this section must do all of the following:

(1) Successfully complete an online course in the administration of drugs that satisfies the requirements established by the state medical board in rules adopted under division (I) of this section;

(2) Receive and maintain certification to perform basic life-support procedures by successfully completing a basic life-

support training course certified by the American red cross or American heart association;

(3) Practice in accordance with a protocol that meets the requirements of division (F) of this section.

(D) Each time an individual administers a drug pursuant to this section, the individual shall do both of the following:

(1) Except as provided in division (E)(2) of this section, obtain in accordance with division (E) of this section test results indicating that it is appropriate to administer the drug;

(2) Submit to the state board of pharmacy the information identified in section 4729.791 of the Revised Code.

(E)(1) An individual identified in division (B) of this section may obtain the test results described in division (D)(1) of this section in any of the following ways:

(a) From a physician;

(b) From the drug database established under section 4729.75 of the Revised Code;

(c) From a hospital;

(d) From the person on whom the test described in division (D)(1) of this section was performed.

(2) If the individual seeking to administer a drug in accordance with this section is unable to obtain test results indicating that it is appropriate to administer the drug and the recipient of the drug declares that the recipient is unable to get the test, the individual may administer the drug to the recipient for not more than sixty days.

(F) The protocol required by division (C)(3) of this section must do both of the following:

(1) Be established by a physician whose regular practice includes treatment of the condition for which the recipient is receiving the drug to be administered;

(2) Satisfy the requirements established in rules adopted under division (I) of this section.

(G) An individual identified in division (B) of this section is not liable for damages in any civil action allegedly arising from, or subject to prosecution in any criminal proceeding or professional disciplinary action for, any act or omission associated with administering injectable long-acting or extended-release forms of naltrexone under this section, unless the act or omission constitutes willful or wanton misconduct.

(H) Nothing in this section requires an individual identified in division (B) of this section to administer a drug by injection.

(I) The state medical board shall adopt rules to implement this section. The rules shall be adopted in accordance with Chapter 119. of the Revised Code and include at least the following:

(1) Requirements for online courses in the administration of drugs;

(2) Requirements for protocols established under this section.

**Sec. 5119.363.** The director of mental health and addiction services shall adopt rules governing the duties of boards of alcohol, drug addiction, and mental health services under

section 340.20 of the Revised Code and the duties of community addiction services providers under section 5119.362 of the Revised Code. The rules shall be adopted in accordance with Chapter 119. of the Revised Code.

The director shall adopt rules under this section that authorize the department of mental health and addiction services to determine an advanced practice registered nurse's, physician assistant's, or physician's compliance with section ~~3719.064~~ 3719.067 of the Revised Code if such practitioner works for a community addiction services provider.

**Sec. 5119.441.** (A) The department of mental health and addiction services shall procure injectable long-acting or extended-release forms of naltrexone and buprenorphine directly from drug manufacturers and coordinate with state, county, and municipal agencies to distribute the drugs as needed to treat drug-addicted individuals in this state, including distribution to individuals identified in division (B) of section 4731.92 of the Revised Code. The department shall require monitoring and monthly administration of the drugs by boards of health, boards of alcohol, drug addiction, and mental health services, courts, and parole and probation officers.

(B) The department shall contract with a licensed terminal distributor of dangerous drugs to serve as a central pharmacy that is responsible for obtaining statewide contract pricing and from which political subdivisions can make direct purchases of injectable long-acting or extended-release forms of naltrexone and buprenorphine.

(C) In procuring injectable long-acting or extended-release forms of naltrexone and buprenorphine pursuant to this section, the department may use rebates to further discount the

drug's price.

**Sec. 5164.14.** The medicaid program may cover a health care service that a pharmacist provides to a medicaid recipient in accordance with Chapter 4729. of the Revised Code, including any of the following services:

(A) Managing drug therapy under a consult agreement with a physician pursuant to section 4729.39 of the Revised Code;

(B) Administering immunizations in accordance with section 4729.41 of the Revised Code;

(C) Administering drugs in accordance with section 4729.45 or 4731.92 of the Revised Code.

**Section 2.** That existing sections 1751.91, 3719.063, 3719.064, 3923.89, 4723.52, 4729.283, 4729.45, 4729.75, 4729.80, 4729.84, 4730.56, 4731.83, 5119.363, and 5164.14 of the Revised Code are hereby repealed.