



Ohio Legislative Service Commission

Bill Analysis

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H.B. 526

129th General Assembly
(As Introduced)

Reps. McClain and Murray, Grossman, Thompson, Derickson, J. Adams, Ruhl, Letson, Stebelton, Blessing

BILL SUMMARY

- Requires the Director of Health, in consultation with the appropriate state professional regulatory boards, to develop one or more protocols that authorize certain specified license holders to administer, deliver, or distribute drugs during an emergency that affects the public health, as declared by the Governor.
- Requires the Director, in consultation with the State Board of Pharmacy, to develop one or more protocols that authorize pharmacists and pharmacy interns, during a public health emergency declared by the Governor, to dispense limited quantities of dangerous drugs without a written, oral, or electronic prescription from a licensed health professional authorized to prescribe drugs or without a record of a prescription.
- Provides that an individual who administers, delivers, distributes, or dispenses a drug or dangerous drug in accordance with one or more of the protocols implemented under the bill is not liable for or subject to any of the following for the individual's acts or omissions in performing those activities, unless the acts or omissions constitute willful or wanton misconduct: damages in any civil action, prosecution in any criminal proceeding, or professional disciplinary action by the applicable licensing body.

CONTENT AND OPERATION

Development of certain drug-related protocols by the Director of Health

The bill requires the Director of Health, in consultation with the appropriate state professional regulatory boards, to develop one or more protocols that authorize the following license holders to administer, deliver, or distribute drugs during an

emergency that affects the public health, as declared by the Governor. This authorization would be effective notwithstanding any statute or rule that otherwise prohibits or restricts the administration, delivery, or distribution of drugs by these persons:

- (1) A physician authorized by the State Medical Board to practice medicine and surgery, osteopathic medicine and surgery, or podiatric medicine and surgery;
- (2) A physician assistant who holds a certificate to practice issued by the State Medical Board;
- (3) A dentist or dental hygienist licensed by the State Dental Board;
- (4) A registered nurse or licensed practical nurse licensed by the Board of Nursing;
- (5) An optometrist licensed by the State Board of Optometry;
- (6) A pharmacist or pharmacy intern licensed by the State Board of Pharmacy;
- (7) A respiratory care professional licensed by the Ohio Respiratory Care Board;
- (8) An emergency medical technician-basic, emergency medical technician-intermediate, or emergency medical technician-paramedic who holds a certificate to practice issued by the State Board of Emergency Medical Services;
- (9) A veterinarian licensed by the State Veterinary Medical Licensing Board.¹

Development of certain protocols by the Director of Health relating to dangerous drugs

The bill also requires the Director, in consultation with the State Board of Pharmacy, to develop one or more protocols that authorize pharmacists and pharmacy interns, during an emergency that affects the public health, as declared by the Governor, to dispense limited quantities of dangerous drugs without a written, oral, or electronic prescription from a licensed health professional authorized to prescribe drugs or without a record of a prescription. This authorization would be effective notwithstanding any statute or rule that otherwise prohibits or restricts the dispensing of drugs without a prescription or record of a prescription.²

¹ R.C. 3701.048(B)(1) to (9).

² R.C. 3701.048(C).

Effect of a declaration by the Governor of an emergency that affects the public health

The bill provides that on the Governor's declaration of an emergency that affects the public health, the Director may issue an order to implement one or more of the protocols developed pursuant to the bill. At a minimum, the Director's order must identify the one or more protocols to be implemented and the time periods for which the one or more protocols are effective.³

Immunity provision

Under the bill, an individual who administers, delivers, distributes, or dispenses a drug or dangerous drug in accordance with one or more of the protocols implemented under the bill is not liable for or subject to any of the following for the individual's acts or omissions in performing those activities, unless the acts or omissions constitute willful or wanton misconduct:

(1) Damages in any civil action;

(2) Prosecution in any criminal proceeding;

(3) Professional disciplinary action by the applicable governing body under the Revised Code.⁴

Definitions

As used in the bill, "drug," "dangerous drug," and "licensed health professional authorized to prescribe drugs" have the same meanings as those terms and phrases are defined in the pharmacy law.⁵

HISTORY

ACTION	DATE
Introduced	05-01-12

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³ R.C. 3701.048(D).

⁴ R.C. 3701.048(E).

⁵ R.C. 3701.048(A). See R.C. 4729.01(E), (F), and (I), none of which are in the bill.