



# Ohio Legislative Service Commission

## Bill Analysis

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### **S.B. 230\***

130th General Assembly  
(As Reported by H. Health & Aging)

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

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## **BILL SUMMARY**

- Generally 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.

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## **CONTENT AND OPERATION**

### **Non-self-injectable cancer drugs**

#### **Prohibition on direct delivery**

The bill 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:<sup>1</sup>

- (1) The patient;

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\* This analysis was prepared before the report of the House Health and Aging Committee appeared in the House Journal. Note that the list of co-sponsors and the legislative history may be incomplete.

<sup>1</sup> R.C. 4729.43(B).

(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.<sup>2</sup>

### **Exceptions**

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

(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 client of a home health agency 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 client of a home health agency, either of the following has notified the pharmacist or pharmacy intern that the patient is a hospice patient or client of a home health agency and an employee or agent of the hospice care program or home health 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.

### **Penalties**

A pharmacist or pharmacy intern who willfully violates, conspires to violate, attempts to violate, or aids and abets a violation of the bill's dispensing prohibition may be subject to disciplinary action by the State Board of Pharmacy. The disciplinary sanctions the Board may take include revoking, suspending, or limiting the pharmacist's or intern's identification card; placing the pharmacist's or intern's

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<sup>2</sup> R.C. 4729.01(F), not in the bill.

<sup>3</sup> R.C. 4729.43(B)(3).



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.<sup>4</sup>

## Definitions

The bill defines a "home health agency" as a person or government entity, other than a nursing home, residential care facility, or hospice care program, that has the primary function of providing any of the following services to a patient at a place of residence used as the patient's home: skilled nursing care, physical therapy, speech-language pathology, occupational therapy, medical social services, or home health aide services.<sup>5</sup> The bill defines "hospice patient" and "hospice care program" consistent with the laws governing the licensure of hospice care programs.<sup>6</sup>

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## 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	---

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<sup>4</sup> R.C. 4729.16(A)(5), not in the bill.

<sup>5</sup> R.C. 4729.43(A)(1), which references the definition of "home health agency" in law governing criminal records checks for prospective employees responsible for providing direct care to individuals (R.C. 3701.881, not in the bill).

<sup>6</sup> R.C. 3712.01(A) and (B), not in the bill.

