Ohio Legislative Service Commission

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Fiscal Note & Local Impact Statement

Bill: H.B. 526 of the 129th G.A. **Date**: November 14, 2012

Status: As Introduced **Sponsor**: Reps. McClain and Murray

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 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 physicians 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 during an emergency that affects the 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 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. 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 or subject to damages in any civil action, prosecution, or professional disciplinary action unless there is willful or wanton misconduct. 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.

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