

**As Introduced**

**135th General Assembly**

**Regular Session**

**2023-2024**

**H. B. No. 382**

**Representative Brown**

**Cosponsors: Representatives Dell'Aquila, Weinstein, Miller, A., Russo, Brennan,  
Baker, Somani, Jarrells, Brewer, Troy, Isaacsohn, Grim, Abdullahi, Miller, J.,  
Brown, Piccolantonio, McNally, Upchurch, Miranda**

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**A BILL**

To amend section 5167.12 and to enact sections 1  
3902.64, 4729.362, and 5164.093 of the Revised 2  
Code regarding prescription drug readers for 3  
visually impaired patients. 4

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

**Section 1.** That section 5167.12 be amended and sections 5  
3902.64, 4729.362, and 5164.093 of the Revised Code be enacted 6  
to read as follows: 7

**Sec. 3902.64.** (A) Notwithstanding section 3901.71 of the 8  
Revised Code, a health benefit plan shall provide coverage for 9  
prescription readers provided by a licensed terminal distributor 10  
of dangerous drugs pursuant to section 4729.362 of the Revised 11  
Code. 12

(B) As used in this section, "prescription reader" has the 13  
same meaning as in section 4729.362 of the Revised Code. 14

**Sec. 4729.362.** (A) (1) Except as provided in division (B) 15  
of this section, prior to selling a dangerous drug at retail, a 16

licensed terminal distributor of dangerous drugs shall provide 17  
notice, in the manner specified in division (A) (2) of this 18  
section, that a prescription reader can be made available. If 19  
the person purchasing the drug requests a prescription reader, 20  
the terminal distributor shall provide a prescription reader for 21  
at least the duration of the prescription. 22

(2) A licensed terminal distributor shall provide the 23  
notice required by division (A) (1) of this section as follows: 24

(a) For in-person transactions, the notice shall be 25  
provided to the purchaser of the drug if the licensed terminal 26  
distributor has reason to believe that the purchaser is blind or 27  
visually impaired or is purchasing the drug on behalf of a 28  
patient who is blind or visually impaired. 29

(b) For transactions in which the drug will be delivered 30  
to a patient by mail, parcel post, or common carrier, the notice 31  
shall be provided to the person purchasing the drug. 32

(B) This section does not apply in either of the following 33  
circumstances: 34

(1) When the drug is personally furnished by a licensed 35  
health professional authorized to prescribe drugs; 36

(2) When the licensed terminal distributor dispensing the 37  
drug is any of the following: 38

(a) An institutional pharmacy; 39

(b) A pharmacy participating in the drug repository 40  
program pursuant to section 3715.871 of the Revised Code, but 41  
only if the drug being dispensed was donated or given under the 42  
program; 43

(c) A pharmacy in a jail, state correctional institution, 44

federal correctional facility or complex, or juvenile detention facility; 45  
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(d) A pharmacy operated by a government entity. 47

(C) This section does not affect any law relative to labeling requirements for drugs. 48  
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(D) As used in this section: 50

(1) "Dangerous drug" has the same meaning as set forth in division (F) of section 4729.01 of the Revised Code. 51  
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(2) "Institutional pharmacy" means a pharmacy that is part of or is operated in conjunction with any of the following health care facilities: an ambulatory surgical facility, nursing home, residential care facility, freestanding rehabilitation facility, hospice care program, home and community-based services provider, or residential facility for individuals with mental illness or developmental disabilities. "Institutional pharmacy" includes both of the following: 53  
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(a) A pharmacy on the premises of a health care facility identified in division (D) (2) of this section that provides a system of distributing and supplying medication to the facility or its patients, whether or not operated by the facility; 61  
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(b) A pharmacy off the premises of a health care facility identified in division (D) (2) of this section that provides services only to patients of one or more health care facilities. 65  
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(3) "Terminal distributor of dangerous drugs" has the same meaning as set forth in division (Q) of section 4729.01 of the Revised Code, and specifically includes retail pharmacies, as well as mail-order or other pharmacies that deliver dangerous drugs by mail, parcel post, or common carrier. 68  
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(4) "Prescription reader" means a device that audibly 73  
conveys the information that is required by law or rule to be 74  
contained on a label affixed to the container in which a 75  
dangerous drug is dispensed for a patient who is visually 76  
impaired or otherwise would have difficulty reading the label. 77  
The information to be audibly conveyed shall include any 78  
cautions that may be required by federal and state law and any 79  
information regarding drug interactions, contraindications, and 80  
side effects that are also provided to sighted patients and 81  
patients who have no difficulty reading the label. 82

**Sec. 5164.093.** (A) The medicaid program shall cover 83  
prescription readers provided by a licensed terminal distributor 84  
of dangerous drugs pursuant to section 4729.362 of the Revised 85  
Code. 86

(B) As used in this section, "prescription reader" has the 87  
same meaning as in section 4729.362 of the Revised Code. 88

**Sec. 5167.12.** If prescribed drugs are included in the care 89  
management system: 90

(A) Medicaid MCO plans may include strategies for the 91  
management of drug utilization, but any such strategies are 92  
subject to the limitations and requirements of this section and 93  
the approval of the department of medicaid. 94

(B) A medicaid MCO plan shall not impose a prior 95  
authorization requirement in the case of a drug to which all of 96  
the following apply: 97

(1) The drug is an antidepressant or antipsychotic. 98

(2) The drug is administered or dispensed in a standard 99  
tablet or capsule form, except that in the case of an 100  
antipsychotic, the drug also may be administered or dispensed in 101

a long-acting injectable form.	102
(3) The drug is prescribed by any of the following:	103
(a) A physician who has registered the physician's psychiatric specialty with the department;	104 105
(b) A psychiatrist who is practicing at a location on behalf of a community mental health services provider whose mental health services are certified by the department of mental health and addiction services under section 5119.36 of the Revised Code;	106 107 108 109 110
(c) A certified nurse practitioner, as defined in section 4723.01 of the Revised Code, who is certified in psychiatric mental health by a national certifying organization approved by the board of nursing under section 4723.46 of the Revised Code;	111 112 113 114
(d) A clinical nurse specialist, as defined in section 4723.01 of the Revised Code, who is certified in psychiatric mental health by a national certifying organization approved by the board of nursing under section 4723.46 of the Revised Code.	115 116 117 118
(4) The drug is prescribed for a use that is indicated on the drug's labeling, as approved by the federal food and drug administration.	119 120 121
(C) The department shall authorize a medicaid MCO plan to include a pharmacy utilization management program under which prior authorization through the program is established as a condition of obtaining a controlled substance pursuant to a prescription.	122 123 124 125 126
(D) Each medicaid managed care organization and medicaid MCO plan shall comply with sections 5164.091, <u>5164.093</u> , 5164.10, 5164.7511, 5164.7512, and 5164.7514 of the Revised Code as if	127 128 129

the organization were the department and the plan were the 130  
medicaid program. 131

**Section 2.** That existing section 5167.12 of the Revised 132  
Code is hereby repealed. 133

**Section 3.** Section 3902.64 of the Revised Code, as enacted 134  
by this act, applies only to health benefit plans, as defined in 135  
section 3922.01 of the Revised Code, delivered, issued for 136  
delivery, modified, or renewed in this state on or after the 137  
effective date of this section. 138