



www.lsc.ohio.gov

OHIO LEGISLATIVE SERVICE COMMISSION

Office of Research
and Drafting

Legislative Budget
Office

H.B. 652
(with AM3257)
134th General Assembly

Fiscal Note & Local Impact Statement

[Click here for H.B. 652's Bill Analysis](#)

Version: In House Health

Primary Sponsors: Reps. Plummer and T. Young

Local Impact Statement Procedure Required: No

Jamie Daskocil, Division Chief

Highlights

- To the extent that pharmacist counselling fees are recouped from publicly funded health insurance plans and Medicaid, these plans may experience some manner of cost increase. The increase will depend on the amount of the fee and the number of discussions. The fee is not required, however.
- Health-related licensing boards must adopt guidelines regarding patient counseling and education to be provided by a prescriber when prescribing an opioid analgesic for a period of five or more days. As a result, these boards could realize a minimal increase in costs to adopt guidelines.
- The State Board of Pharmacy may experience (1) a one-time cost related to updating certain rules governing the conduct of pharmacists and (2) possible ongoing costs if there is an increase in the number of disciplinary actions initiated for noncompliance. The Board may also see more criminal investigations if illicit patterns of activity in the Ohio Automated Rx Reporting System (OARRS) are noted from the increased number of reviews by prescribers.
- The bill provides for a cash transfer from the Medical Marijuana Control Program Fund (Fund 5YS0) to the Drug Database Fund (Fund 5SG0) for the purpose of maintaining and administering drug database operations and initiatives aimed at reducing the diversion of dangerous drugs. The amount will be determined jointly by the directors of Commerce and the State Board of Pharmacy.

Detailed Analysis

The bill revises the law governing the review of patient information in the Ohio Automated Rx Reporting System (OARRS) and certain dispensing regulations for opioid analgesics.¹

Patient counseling – fees

The bill requires pharmacists, when dispensing an opioid analgesic in an amount indicated for five or more days, to discuss with the patient the risks of opioid addiction, including the increased risk for addiction when taking such a drug for more than five days. For each discussion, the pharmacist may charge a fee.

State and locally funded health plans

To the extent that fees are charged by pharmacists and recouped from publicly funded health insurance plans, these plans may experience some manner of cost increase. The increase will depend on the amount of the fee and the number of discussions.

Medicaid

The bill authorizes the Medicaid Director, in consultation with the Superintendent of Insurance, to establish a fee for these consultations which would then be paid by the Medicaid system if the patient is a Medicaid recipient. The costs to Medicaid will depend on the amount of the fee and the number of discussions.

Health-related licensing boards – patient counseling and education

The bill requires each health-related licensing board to adopt guidelines regarding patient counseling and education to be provided by a prescriber when prescribing an opioid analgesic in an amount indicated for a period of five or more days. As a result, these boards could realize a minimal increase in costs to adopt guidelines. Any other impacts will depend on what type of counseling and education is currently done by these providers versus what will be adopted under the guidelines.

State Board of Pharmacy – enforcement

In addition to the requirement that pharmacists initiate patient discussions as described above, the bill requires a pharmacist, when dispensing an opioid analgesic for use outside of a hospital, to affix to the container a warning label or sticker. The label or sticker must describe the risks associated with opioid analgesics and must be red in color with text printed in black. The State Board of Pharmacy may adopt any other rules as necessary to implement the bill's provisions, for which there would be an associated one-time cost.

The extent that pharmacists would fail to comply with the bill's new regulations and potentially be subjected to disciplinary hearings is uncertain, but likely negligible.

¹ OARRS is an electronic database administered by the State Board of Pharmacy that collects information on all prescriptions for controlled substances that are issued by licensed prescribers and dispensed by pharmacies in Ohio.

OARRS – prescribers

The bill revises current law requiring prescribers to review patient information in OARRS, by eliminating an exception for an opioid analgesic or benzodiazepine prescribed or personally furnished for seven days. This change will effectively require the prescriber to review patient information contained in OARRS for these classes of drugs regardless of the prescribed time.

The number of criminal investigations that may be initiated as a result of additional reporting into OARRS, and thus potentially uncovering patterns of abuse which may lead to additional criminal investigations is uncertain.

Cash transfer

The bill requires the Director of Commerce and Executive Director of the Pharmacy Board to consult with the Director of Budget and Management (OBM) to determine the amount of money sufficient for administering OARRS operations and initiatives aimed at reducing the diversion of drugs. After the amount is determined, the OBM Director must transfer that amount in cash from the Medical Marijuana Control Program Fund (Fund 5YS0) to the Drug Database Fund (Fund 5SG0).