



Ohio Revised Code

Section 4729.39 Consult agreement with physicians.

Effective: December 16, 2020

Legislation: House Bill 203 - 133rd General Assembly

(A) As used in this section:

(1) "Certified nurse practitioner," "certified nurse-midwife," "clinical nurse specialist," and "standard care arrangement" have the same meanings as in section 4723.01 of the Revised Code.

(2) "Collaborating physician" means a physician who has entered into a standard care arrangement with a clinical nurse specialist, certified nurse-midwife, or certified nurse practitioner.

(3) "Physician" means an individual authorized under Chapter 4731. of the Revised Code to practice medicine and surgery or osteopathic medicine and surgery.

(4) "Physician assistant" means an individual who is licensed to practice as a physician assistant under Chapter 4730. of the Revised Code, holds a valid prescriber number issued by the state medical board, and has been granted physician-delegated prescriptive authority.

(5) "Supervising physician" means a physician who has entered into a supervision agreement with a physician assistant under section 4730.19 of the Revised Code.

(B) Subject to division (C) of this section, one or more pharmacists may enter into a consult agreement with one or more of the following practitioners:

(1) Physicians;

(2) Physician assistants, if entering into a consult agreement is authorized by one or more supervising physicians;

(3) Clinical nurse specialists, certified nurse-midwives, or certified nurse practitioners, if entering into a consult agreement is authorized by one or more collaborating physicians.



(C) Before entering into a consult agreement, all of the following conditions must be met:

(1) Each practitioner must have an ongoing practitioner-patient relationship with each patient whose drug therapy is to be managed.

(2) The diagnosis for which each patient has been prescribed drug therapy must be within the scope of each practitioner's practice.

(3) Each pharmacist must have training and experience related to the particular diagnosis for which drug therapy is to be prescribed.

(D) With respect to consult agreements, all of the following apply:

(1) Under a consult agreement, a pharmacist is authorized to do both of the following, but only to the extent specified in the agreement, this section, and the rules adopted under this section:

(a) Manage drug therapy for treatment of specified diagnoses or diseases for each patient who is subject to the agreement, including all of the following:

(i) Changing the duration of treatment for the current drug therapy;

(ii) Adjusting a drug's strength, dose, dosage form, frequency of administration, or route of administration;

(iii) Discontinuing the use of a drug;

(iv) Administering a drug;

(v) Notwithstanding the definition of "licensed health professional authorized to prescribe drugs" in section 4729.01 of the Revised Code, adding a drug to the patient's drug therapy.

(b)(i) Order laboratory and diagnostic tests, including blood and urine tests, that are related to the



drug therapy being managed, and evaluate the results of the tests that are ordered.

(ii) A pharmacist's authority to evaluate test results under division (D)(1)(b)(i) of this section does not authorize the pharmacist to make a diagnosis.

(2)(a) A consult agreement, or the portion of the agreement that applies to a particular patient, may be terminated by any of the following:

(i) A pharmacist who entered into the agreement;

(ii) A practitioner who entered into the agreement;

(iii) A patient whose drug therapy is being managed;

(iv) An individual who consented to the treatment on behalf of a patient or an individual authorized to act on behalf of a patient.

(b) The pharmacist or practitioner who receives the notice of a patient's termination of the agreement shall provide written notice to every other pharmacist or practitioner who is a party to the agreement. A pharmacist or practitioner who terminates a consult agreement with regard to one or more patients shall provide written notice to all other pharmacists and practitioners who entered into the agreement and to each individual who consented to treatment under the agreement. The termination of a consult agreement with regard to one or more patients shall be recorded by the pharmacist and practitioner in the medical records of each patient to whom the termination applies.

(3) A consult agreement shall be made in writing and shall include all of the following:

(a) The diagnoses and diseases being managed under the agreement, including whether each disease is primary or comorbid;

(b) A description of the drugs or drug categories the agreement involves;

(c) A description of the procedures, decision criteria, and plan the pharmacist is to follow in acting



under a consult agreement;

(d) A description of how the pharmacist is to comply with divisions (D)(5) and (6) of this section.

(4) The content of a consult agreement shall be communicated to each patient whose drug therapy is managed under the agreement.

(5) A pharmacist acting under a consult agreement shall maintain a record of each action taken for each patient whose drug therapy is managed under the agreement.

(6) Communication between a pharmacist and practitioner acting under a consult agreement shall take place at regular intervals specified by the primary practitioner acting under the agreement. The agreement may include a requirement that a pharmacist send a consult report to each consulting practitioner.

(7) A consult agreement is effective for two years and may be renewed if the conditions specified in division (C) of this section continue to be met.

(8) A consult agreement does not permit a pharmacist to manage drug therapy prescribed by a practitioner who has not entered into the agreement.

(E) The state board of pharmacy, state medical board, and board of nursing shall each adopt rules as follows for its license holders establishing standards and procedures for entering into a consult agreement and managing a patient's drug therapy under a consult agreement:

(1) The state board of pharmacy, in consultation with the state medical board and board of nursing, shall adopt rules to be followed by pharmacists.

(2) The state medical board, in consultation with the state board of pharmacy, shall adopt rules to be followed by physicians and rules to be followed by physician assistants.

(3) The board of nursing, in consultation with the state board of pharmacy and state medical board, shall adopt rules to be followed by clinical nurse specialists, certified nurse-midwives, and certified



nurse practitioners.

The boards shall specify in the rules any categories of drugs or types of diseases for which a consult agreement may not be established. Each board may adopt any other rules it considers necessary for the implementation and administration of this section. All rules adopted under this section shall be adopted in accordance with Chapter 119. of the Revised Code.

(F)(1) Subject to division (F)(2) of this section, both of the following apply:

(a) A pharmacist acting in accordance with a consult agreement regarding a practitioner's change in a drug for a patient whose drug therapy the pharmacist is managing under the agreement is not liable in damages in a tort or other civil action for injury or loss to person or property allegedly arising from the change.

(b) A practitioner acting in accordance with a consult agreement regarding a pharmacist's change in a drug for a patient whose drug therapy the pharmacist is managing under a consult agreement is not liable in damages in a tort or other civil action for injury or loss to person or property allegedly arising from the change unless the practitioner authorized the specific change.

(2) Division (F)(1) of this section does not limit a practitioner's or pharmacist's liability in damages in a tort or other civil action for injury or loss to person or property allegedly arising from actions that are not related to the practitioner's or pharmacist's change in a drug for a patient whose drug therapy is being managed under a consult agreement.