



## **Senate Bill 83/House Bill 141**

### **Legislative Update**

**July, 2011**

The current Schedule II bill, the amended Senate sub-bill 83, passed the Senate Health and Human Services Committee on June 22 by a 6-1 vote, and passed the entire Senate floor on June 28, 2011 by a wide margin of 32-1. Senator Kris Jordan of the 19<sup>th</sup> District remained the sole dissenting voice. The companion House bill 141 remains in the House Health, Human Services, and Aging Committee over the summer recess. It is expected the bill will pass through the House when session resumes in September, and will then go to Conference Committee, a committee made up of members from the House and Senate who will iron out differences between the House and Senate versions of the Schedule II bill. Once differences between the two versions of the bill are ironed out, the bill will need to be approved by the House and Senate. The 2011 version of the bill eliminates the current restriction on Schedule II prescribing by APNs with a CTP, limitation to the prescription of a 24-hour supply of a Schedule II medication only if it was physician-initiated for a terminally ill patient. And, similar to previous versions of the bill, it requires an additional 6-hour course of education focused on Schedule II medication prescribing, which will be developed in conjunction with the Ohio Board of Nursing and Committee for Prescriptive Governance. In addition, the current version of the Senate bill includes the site restriction of retail convenience care clinics, and site allowances as follows:

- A hospital registered under section 3701.07 of the Revised Code;
- A health care facility operated by the department of mental health or the department of developmental disabilities;
- A nursing home licensed under section 3721.02 of the Revised Code or by a political subdivision certified under section 3721.09 of the Revised Code;
- A county home or district home operated under Chapter 5155. of the Revised Code that is certified under Title XVIII or XIX of the Social Security Act of 1935;
- A hospice care program, as defined in section 3712.01 of the Revised Code;
- A community mental health facility, as defined in section 5122.01 of the Revised Code;
- An ambulatory surgical facility, as defined in section 3702.30 of the Revised Code;
- A freestanding birthing center, as defined in section 3702.51 of the Revised Code;
- A federally qualified health center, as defined in section 1905(l)(2)(B) of the "Social Security Act," CFR 103 Stat. 2264

The bill has faced opposition on various fronts, most notably, from the Ohio State Medical Association. OSMA pushed for site restrictions and once those were added, OSMA moved from

opposing the bill to a stand of neutrality. Timing of the bill was challenging due to the General Assembly's and Governor's focus on restricting pill mills in this state (SB93). SB93 is aimed at alleviating the prescription drug abuse problem by defining and regulating physician-owned pain management clinics. The notions of restricting on one hand, physicians and pain management clinics, and lifting restrictions on Schedule II prescribing for APNs on the other hand, was challenging for many legislators, and the OSMA capitalized on this conundrum in their lobbying efforts to defeat the APN Schedule II bill. To counter these challenges, OAAPN made full use of its current lobbyist, Lori Herf of Baker Law, LLP, and added additional expert lobbyists, Andrew Minton and Lisa Rankin of Grant Street Consultants, in addition to its Schedule II committee and board of directors. Many meetings, conference calls and person-hours have transpired and resulted in the successful passage of the amended bill in the Senate, and we look forward to successful passage in the House and a Conference Committee that will hopefully culminate in an even more favorable prescriptive site scenario.

Should you have any questions related to Schedule II legislative activity, please forward these to Schedule II committee co-chairs at [SchII@oaapn.org](mailto:SchII@oaapn.org) - Jan Fuchs, Diann Nelson-Houser and Mary Jane Maloney.