Pharmacist Consult Agreements with Providers

Updated 3/7/2023

Effective 12/16/2020, changes to section 4729.39 of the Ohio Revised Code (HB 203 – 133rd General Assembly) expand the type of providers with whom a pharmacist may enter into a consult agreement. While continuing to authorize consult agreements between pharmacists and physicians, the law change permits one or more pharmacists to enter into a consult agreement with one or more of the following:

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

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

Additionally, the law change no longer limits pharmacists to ordering blood and urine tests under a consult agreement. Effective 12/16/2020, the law now states the following:

> *(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:*
>
> *…*
>
> *(b)*

77 S. High Street, 17th Floor
Columbus, OH 43215 U.S.A.
Phone: 614 | 466 4143
Fax: 614 | 752 4836

988 SUICIDE & CRISIS LIFELINE Ohio

The State of Ohio is an Equal Opportunity Employer and Provider of ADA Services

(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.

To assist licensees in complying with Ohio's consult agreement law, the State of Ohio Board of Pharmacy has developed the following frequently asked questions. If you need additional information, the most expedient way to have your questions answered will be to e-mail the Board office by visiting: http://www.pharmacy.ohio.gov/contact.aspx.

Frequently Asked Questions

Q1) Where can I find the Board's rules governing consult agreements?

The Board's rules governing consult agreements can be found in chapter 4729:1-6 of the Ohio Administrative Code:

- 4729:1-6-01 Definitions - consult agreements.
- 4729:1-6-02 Consult agreements.
- 4729:1-6-03 Standards for managing drug therapy.

IMPORTANT: Please be advised the consult agreement rules are in the process of being updated to reflect the addition of physician assistants and nurse practitioners. As such, it is Board policy that providers entering into a consult agreement **must comply** with the requirements for physicians as set forth in the current rules. Additionally, the Ohio Board of Nursing and the State Medical Board of Ohio are also in the process of developing or updating consult agreement rules for their licensees.

As a reminder, Ohio law requires each practitioner entering into a consult agreement to comply with the following:

(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.

Q2) Does the law allow a pharmacist to enter into a consult agreement with a Doctor of Podiatric Medicine (DPM) or certified registered nurse anesthetist (CRNA)?

No. The law only allows pharmacists to enter into consult agreements with the following providers:

(1) Physicians (MD/DO);

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

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

Q3) How does a supervising or collaborating physician authorize an APRN or PA to enter into a consult agreement with a pharmacist?

To address this issue, the Board reached out to the Ohio Board of Nursing and State Medical Board of Ohio and received the following guidance:

- ***Guidance from the Ohio Board of Nursing:*** With respect to APRN CNSs, CNPs, or CNMs, authorization by the collaborating physician should be documented in writing. This may be completed as a part of the standard care arrangement or in another written document.

- ***Guidance from the State Medical Board of Ohio:*** With respect to physician assistants, the authorization by the supervising physician shall be documented in the supervision agreement.

Q4) How does a pharmacist obtain authorization to manage controlled substances?

Pharmacists with a controlled substance registration issued by the Board of Pharmacy (see paragraph (C)(6) of rule 4729:1-6-02) are permitted to obtain a mid-level DEA controlled substance registration.

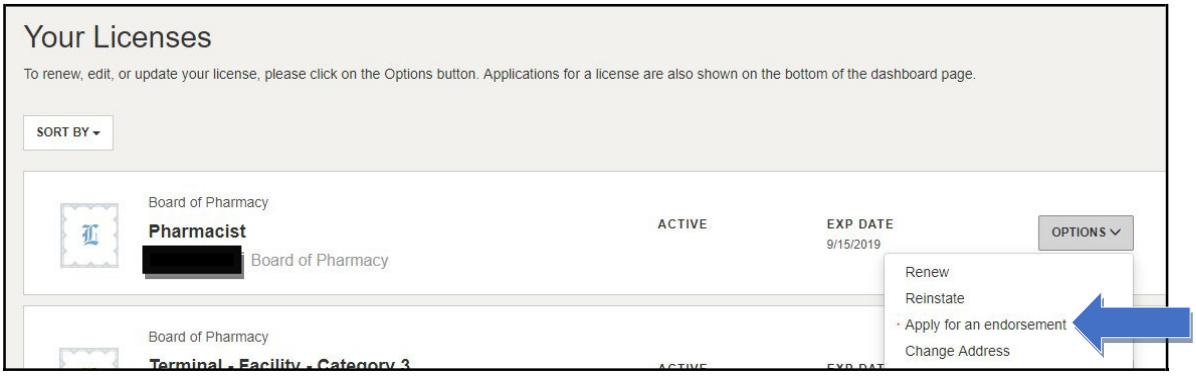
Before applying for a mid-level DEA registration, a pharmacist working under a consult agreement authorizing the prescribing or management of controlled substances must obtain a controlled substance registration issued by the Board.

REMINDER: Per federal regulations, pharmacists are not permitted to use a facility's institutional DEA registration and must obtain a mid-level DEA registration.

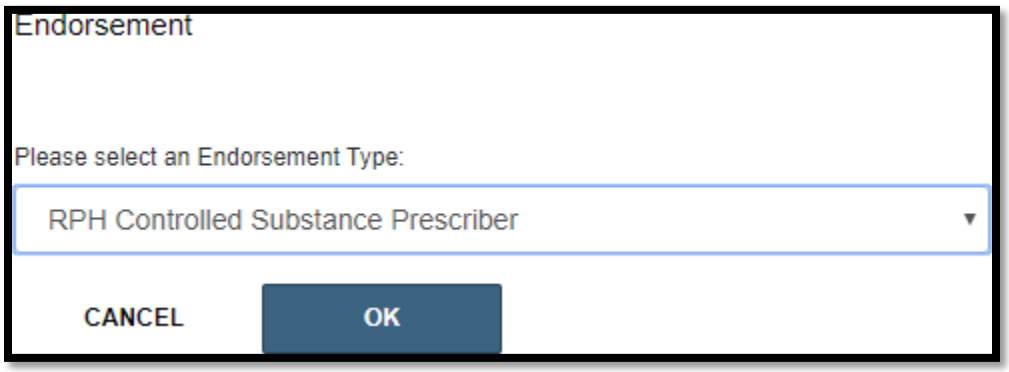
To apply, follow these steps:

Step 1: Log-in to your eLicense account.

Step 2: On the "Your Licenses" screen click the options button under your pharmacist license and select "Apply for an endorsement"



Step 3: Select "RPH Controlled Substance Prescriber" as the endorsement type and click OK



Step 4: Complete and submit the application. Applicants are required to provide the following information:

- Personal contact information
- Consult agreement information (including a signed copy of their agreement that indicates the pharmacist is authorized to prescribe/manage controlled substances) that complies with the requirements of rule 4729:1-6-02 of the Administrative Code
- Attestation and signature

NOTE: There is no fee for an Ohio controlled substance registration. It must be renewed when the pharmacist renews their license.

IMPORTANT: A pharmacist must notify the Board by email (licensing@pharmacy.ohio.gov) if they are no longer authorized to prescribe controlled substances pursuant to a consult agreement. Notification must occur within five business days.

A controlled substance prescriber registration is deemed void if the pharmacist no longer has a valid consult agreement authorizing the prescribing of a controlled substance. Failure to obtain or maintain a valid controlled substance prescriber registration prohibits a pharmacist from prescribing controlled substances.

Q5) Am I able to manage buprenorphine for the treatment of opioid use disorder under a consult agreement?

Yes. According to the Substance Abuse and Mental Health Services Administration, all practitioners who have a current DEA registration that includes Schedule III authority, may now prescribe buprenorphine for Opioid Use Disorder if permitted by applicable state law. Therefore, pharmacists who have a mid-level DEA controlled substance registration under a consult agreement are now able to manage buprenorphine for the treatment of opioid use disorder.

REMINDER: SAMHSA and DEA are actively working on implementation of a separate provision of federal law related to training requirements for DEA registration that becomes effective in June 2023. Please continue to check SAMHSA website for further updates and guidance.