**OHIO STATE MEDICAL ASSOCIATION HOUSE OF DELEGATES**

**Resolution No. 16 – 2020**

**Introduced by:** OSMA Medical Student Section

**Subject:** Strengthen Awareness of the Importance of Good-Faith Prescription

Donations to the Ohio Drug Donation Repository and the Free Clinics It Serves

**Referred to:** Resolutions Committee No. 2

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**WHEREAS**, The rising cost of prescription medications in the United States threatens the financial security of “safety-net/free” clinics1,2; and

**WHEREAS**, Nationwide demand for the services of free clinics has increased, with more than 1.8 million patients seeking care at 1200+ free clinics nationwide3; and

**WHEREAS**, There are 50+ free clinics providing services to over 52,000 patients in Ohio, many also providing prescription assistance to the patients that they serve4; and

**WHEREAS**, The FDA has recognized the importance of prescription drug donations to free clinics, and stated that the practice is permissible under the Prescription Drug Marketing Act5; and

**WHEREAS**, Ohio is recognized as an innovator in the area of prescription drug donation for its creation of the Ohio Drug Donation Repository Program, one of the first state-level programs of its kind in the nation, and the first to allow nursing homes, long-term care pharmacies, and wholesalers to become donators6; and

**WHEREAS**, The Ohio State Legislature has passed laws giving immunity from civil liability and criminal prosecution to any entity donating prescription medications to the Ohio Drug Repository Program in good faith7; and

**WHEREAS**, Despite these civil and criminal protections for donation of prescription medication, participation in the Ohio Drug Repository Program has decreased in previous years due to concerns that these protections are not strong enough6; and

**WHEREAS**, Prescription donation programs in other states with strong legal protections, such as Iowa, Wyoming, and Oklahoma, have enjoyed greater amounts of donations to their drug donation programs, with each state distributing more than $10,000,000 in donated medications since the creation of their prescription donation programs in the mid-2000s8; and

**WHEREAS**, Medications donated have strict safety guidelines set by state laws and the State Board of Pharmacy, reducing the risk of donation9; and

**WHEREAS**, The greater the out-of-pocket expense of a medication to a patient, the more likely the patient is to be non-adherent10; and

**WHEREAS**, Studies that provided full drug coverage increased adherence in the treatment of chronic illnesses and reduced rates of adverse clinical outcomes10; and

**WHEREAS**, Donation of prescription medications is recognized as an important way to expand access to medicine and address the social determinants of health11; and

**WHEREAS**, In Policy 31 - 1983, the OSMA supports every patient having access to any drug approved by the FDA that his or her physician thinks is helpful12; and

**WHEREAS**, In Policy 62 - 1988, the OSMA supports its members that work with organizations serving the poor12; and

**WHEREAS**, In Policy 06 - 2019, the OSMA supports efforts to increase awareness of disparities to medical access and treatment in the state of Ohio12; and

**WHEREAS**, In the 2020-2023 Strategic Plan, the OSMA pledges to focus its efforts on Advocacy and working towards a Healthier Ohio13; **therefore be it**

**RESOLVED**, That the OSMA support efforts to increase public and private sector awareness of the importance of good-faith prescription donation to the Ohio Drug Donation Repository Program, and the free clinics it serves.

**Fiscal Note:** $ 5,000 (Sponsor)

$ 5,000 (Staff)

**References:**

1. Arao, Robert K. et al. “Strengthening Value-Based Medication Management in a Free Clinic for the Uninsured: Quality Interventions Aimed at Reducing Costs and Enhancing Adherence.” BMJ Open Quality, 2017; doi:10.1136/bmjoq-2017-000069

2. Batra, Jaya et al. “Containing Prescription Drug Costs at a Resource-Limited,

Student-Run Clinic for the Uninsured.” Journal of Student-Run Clinics, 2017.

3. Darnell, Julie S. “Free Clinics in the United States: A Nationwide Survey.” JAMA Internal Medicine, 2017; doi:10.1001/archinternmed.2010.107

4. Charitable Healthcare Network, Ohio Association of Free Clinics, 2019,

https://ohiofreeclinics.org/

5. Food and Drug Administration. “Guidance for Industry Prescription Drug Marketing Act - Donation of Prescription Drug Samples to Free Clinics.” Center for Drug Evaluation and Research, 2006.<https://www.fda.gov/media/71019/download>

6. Regan, Ron. “Millions of dollars of life-saving drugs being destroyed in Ohio rather than donated to voluntary program: Ohio drug donation program in jeopardy.” News5 Cleveland, 2019.

7. Ohio State Legislature. “3715.872 Immunity.” 2004. http://codes.ohio.gov/orc/3715.872.

8. Cauchi, R., & Berg, K. “State Prescription Drug Return, Reuse and Recycling Laws.” National Conference of State Legislatures, 2018.

http://www.ncsl.org/research/health/state-prescription-drug-return-reuse-and-recycling.aspx

9. Berg, Kristina and Cauchi, Richard.. “States Look to Drug Donations to Improve Access to Medication.” National Conference of State Legislatures, 2018.

http://www.ncsl.org/research/health/states-look-to-drug-donations-to-improve-access-to-medication636772027.aspx.

10. Choudhry NK, Bykov K, Shrank WH, et al. “Eliminating Medication Copayments

Reduces Disparities in Cardiovascular Care.” Health Affairs. 2014;33(5):863-870.

doi:10.1377/hlthaff.2013.0654.

11. Ahmadiani, S., Nikfar, S. “Challenges of access to medicine and the responsibility of pharmaceutical companies: a legal perspective.” https://www.ncbi.nlm.nih.gov/pmc/articles/PMC4855755/

12. OSMA Policy Compendium: Policies of the OSMA House of Delegates.

<https://osma.org/aws/OSMA/asset_manager/get_file/366536?ver=13>

13. Ohio State Medical Association: New OSMA Strategic Plan in Progress. https://osma.org/aws/OSMA/pt/sd/news\_article/247937/\_PARENT/layout\_details-news/false

**Relevant OSMA Policy**

**Policy 31 -- 1983 -- Drug Availability**

1. Every patient should have available any drug approved by the FDA that his or her physician thinks is needed and helpful.

2. The FDA-approved drugs should be reimbursed by third party payers.

**Policy 62 -- 1988 -- Donation of Professional Time to Poor**

1. The OSMA commends its members for continuing to donate professional time to serving the poor.

**Policy 06 -- 2019 -- Increase Awareness of Disparities in Medical Access and Treatment in Ohio**

1. That the OSMA work with appropriate stakeholders to increase awareness of Ohio physicians, residents, and medical students of disparities in medical access and treatment in Ohio based on disability, race, ethnicity, geography, and other social and demographic factors through the utilization of existing resources.