

Rule Summary and Fiscal Analysis (Part A)**State Board of Pharmacy**

Agency Name

Division

Cameron McNamee

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4729-37-05

Rule Number

AMENDMENT

TYPE of rule filing

Rule Title/Tag Line

**Electronic format required for the transmission of dispensing
information.****RULE SUMMARY**

1. Is the rule being filed for five year review (FYR)? **No**
2. Are you proposing this rule as a result of recent legislation? **No**
3. Statute prescribing the procedure in accordance with the agency is required to adopt the rule: **119.03**
4. Statute(s) authorizing agency to adopt the rule: **3719.28, 4729.26, 4729.84**
5. Statute(s) the rule, as filed, amplifies or implements: **4729.75, 4729.76, 4729.77, 4729.78, 4729.79, 4729.80, 4729.81, 4729.82, 4729.83, 4729.84**

6. State the reason(s) for proposing (i.e., why are you filing,) this rule:

This rule is necessary to promote the public's safety and uniformity of data collected by the Ohio Automated Rx Reporting System (OARRS). Adopting the new format specified in the rule will allow collection of diagnosis codes in OARRS. This will help to support efforts to monitor and enforce the acute pain prescribing limits currently being proposed by Ohio's prescriber regulatory boards.

Such limits have the potential to reduce the number opioids prescribed in Ohio by an additional 109 million doses.

7. If the rule is an AMENDMENT, then summarize the changes and the content of the proposed rule; If the rule type is RESCISSION, NEW or NO CHANGE, then summarize the content of the rule:

Requires the adoption of the ASAP 4.2A standard of reporting by pharmacies.

8. If the rule incorporates a text or other material by reference and the agency claims the incorporation by reference is exempt from compliance with sections 121.71 to 121.74 of the Revised Code because the text or other material is **generally available** to persons who reasonably can be expected to be affected by the rule, provide an explanation of how the text or other material is generally available to those persons:

This rule references the Ohio Administrative Code. The O.A.C. is generally available in libraries and on the internet to persons who reasonably can be expected to be affected by the rule.

9. If the rule incorporates a text or other material by reference, and it was **infeasible** for the agency to file the text or other material electronically, provide an explanation of why filing the text or other material electronically was infeasible:

Ohio Revised Code Sections 121.75 and 121.76 exempts this text from inclusion in this filing.

10. If the rule is being **rescinded** and incorporates a text or other material by reference, and it was **infeasible** for the agency to file the text or other material, provide an explanation of why filing the text or other material was infeasible:

Not Applicable.

11. If **revising** or **refiling** this rule, identify changes made from the previously filed version of this rule; if none, please state so. If applicable, indicate each specific paragraph of the rule that has been modified:

Rule is being modified to update room for public hearing.

12. Five Year Review (FYR) Date: **10/1/2020**

(If the rule is not exempt and you answered NO to question No. 1, provide the scheduled review date. If you answered YES to No. 1, the review date for this rule is the filing date.)

NOTE: If the rule is not exempt at the time of final filing, two dates are required: the current review date plus a date not to exceed 5 years from the effective date for Amended rules or a date not to exceed 5 years from the review date for No Change rules.

FISCAL ANALYSIS

13. Estimate the total amount by which *this proposed rule* would **increase / decrease** either **revenues / expenditures** for the agency during the current biennium (in dollars): Explain the net impact of the proposed changes to the budget of your agency/department.

This will have no impact on revenues or expenditures.

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No net impact.

14. Identify the appropriation (by line item etc.) that authorizes each expenditure necessitated by the proposed rule:

Not applicable.

15. Provide a summary of the estimated cost of compliance with the rule to all directly affected persons. When appropriate, please include the source for your information/estimated costs, e.g. industry, CFR, internal/agency:

Requires an investment by pharmacies to adopt the ASAP 4.2A Standard (all are currently utilizing the ASAP 4.2 standard) for prescription reporting. Such costs to conduct this upgrade will vary by each pharmacy's dispensing system vendor. The rule does allow alternative means of transmitting data via a mutually acceptable reporting format.

16. Does this rule have a fiscal effect on school districts, counties, townships, or municipal corporations? **No**

17. Does this rule deal with environmental protection or contain a component dealing with environmental protection as defined in R. C. 121.39? **No**

S.B. 2 (129th General Assembly) Questions

18. Has this rule been filed with the Common Sense Initiative Office pursuant to R.C. 121.82? **Yes**

19. Specific to this rule, answer the following:

A.) Does this rule require a license, permit, or any other prior authorization to engage in or operate a line of business? **Yes**

If the pharmacy cannot report electronically, the board must agree to an alternative reporting standard.

B.) Does this rule impose a criminal penalty, a civil penalty, or another sanction, or create a cause of action, for failure to comply with its terms? **Yes**

Violation of the rule may result in administrative licensure discipline for a location licensed as pharmacy. Discipline might include reprimand, suspension of a license, monetary penalty and/or revocation/denial of a license.

C.) Does this rule require specific expenditures or the report of information as a condition of compliance? **No**