

4729:3-1-01

Definitions—~~pharmacy technicians.~~

As used in this division ~~4729:3 of the Administrative Code:~~

- (A) "Abandoned application" means an application for a registration pursuant to this division where the applicant fails to complete all application requirements within thirty days after being notified by the board. An applicant forfeits all fees associated with an abandoned application. The board shall not be required to act on any abandoned application and the application may be destroyed by board staff. If the application is abandoned, the applicant shall be required to reapply for registration, submit the required fee and comply with the registration requirements in effect at the time of reapplication.
- (B) "Act of moral turpitude" means an act or behavior that gravely violates moral sentiment or accepted moral standards of the community and is a morally culpable quality held to be present in some criminal offenses as distinguished from others.
- (C) "Addicted to or abusing alcohol or drugs" means the chronic and habitual use of alcohol or the use of a drug of abuse as defined in section 3719.011 of the Revised Code by an individual to the extent that the individual no longer can control the individual's use of alcohol or drugs, the individual is physically or psychologically dependent on alcohol or drugs, or the individual's use or abuse of alcohol or drugs endangers the health, safety, or welfare of the individual or others.
- (D) "Board of pharmacy" or "board" means the state board of pharmacy established under Chapter 4729. of the Revised Code.
- (E) "Business day" means any day other than Saturday, Sunday or a holiday recognized by the state of Ohio on which the offices of the board of pharmacy are not open for business.
- ~~(B)~~(F) "Certified pharmacy technician" means a person who:
- (1) Has completed an approved training program pursuant to rule 4729:3-3-02 of the Administrative Code; ~~or complies with the education and training requirements in division (E)(2) of section 4729.90 of the Revised Code;~~
 - (2) Is registered with the state board of pharmacy;
 - (3) Practices in this state in accordance with rule 4729:3-3-04 of the Administrative Code; and
 - (4) Maintains a current pharmacy technician certification from an organization that has been recognized by the board.

~~(E)~~(G) "Compounding" has the same meaning as defined in ~~division (C)~~ of section 4729.01 of the Revised Code and agency 4729 of the Administrative Code.

(H) "Controlled substance" has the same meaning as in section 3719.01 of the Revised Code.

~~(D)~~(I) "Current pharmacy technician certification from an organization that has been recognized by the board" pursuant to division (B)(2)(d) of section 4729.90 of the Revised Code means either:

- (1) The ExCPT certification provided by the national healthcareer association; or
- (2) The pharmacy technician certification board (PTCB) certification.

(J) "Dangerous drug" has the same meaning as in section 4729.01 of the Revised Code.

(K) "Disciplinary action," unless otherwise stated in this division, means any of the following by the drug enforcement administration or licensing agency of any state or jurisdiction, regardless of whether the action occurred by formal proceeding, consent, settlement, or other agreement:

- (1) An action to revoke, suspend, restrict, limit, or refuse to grant or renew a license, registration, or certification;
- (2) A summary or emergency suspension of a license, registration or certification, of any length, and any subsequent revision to the action;
- (3) An administrative fine or money penalty, taken as a result of a formal proceeding, to include any fine or money penalty connected to the delivery of health care services or taken in conjunction with other adverse licensure, registration or certification actions, such as revocation, suspension, censure, reprimand, or probation;
- (4) An action to reprimand or place the license, registration, or certification holder on probation;
- (5) The issuance of a corrective action plan only if such issuance is in conjunction with other adverse licensure, registration or certification actions, such as revocation, suspension, reprimand, probation, or surrender;
- (6) The withdrawal of a renewal application for licensure, registration or certification while under investigation;

- (7) The non-renewal of a license, registration or certification while under investigation or to avoid an investigation;
 - (8) The surrender or other relinquishment of a license, registration or certification in lieu of a formal sanction against a person's license, registration, or certificate, whether permanent or temporary;
 - (9) In lieu of an adverse licensure, registration or certification action, a licensing agency issues a consent order in which a person agrees not to re-apply for a license, registration, or certification in the future;
 - (10) An enforceable agreement not to practice or to be placed into inactive or other equivalent status while under investigation or in exchange for not conducting an investigation.
- (E)(L) ~~"Direct supervision" means that a licensed pharmacist is: "Direct supervision" or "personal supervision" means a pharmacist shall be physically present in the pharmacy, or in the area where the practice of pharmacy is occurring, to provide personal review and approval of all professional activities. The pharmacist providing personal supervision of a pharmacy technician trainee, registered pharmacy technician, or certified pharmacy technician shall:~~
- (1) Be readily available to answer questions of the technician or trainee;
 - (2) Make appropriate in-process and end-process verifications of the activities of the technician or trainee; and
 - (3) Be fully responsible for the practice of the technician or trainee.
- ~~(1) Physically present in a facility licensed as a terminal distributor of dangerous drugs, licensed outsourcing facility, or in the area where the practice of pharmacy is occurring, and providing personal review and approval of all professional activities;~~
- ~~(2) Readily available to answer questions of the pharmacy technician trainee, registered pharmacy technician or certified pharmacy technician;~~
- ~~(3) Making appropriate in-process and end-process verifications of the activities of the pharmacy technician trainee, registered pharmacy technician or certified pharmacy technician; and~~
- ~~(4) Fully responsible for the practice of the pharmacy technician trainee, registered pharmacy technician or certified pharmacy technician.~~

~~(F)~~(M) "Entering information into and retrieving information from a database or patient profile" as used in section 4729.91 of the Revised Code means to enter new or refill prescription information into a database or patient profile.

~~(G)~~(N) "Good moral character" pursuant to ~~division (B)(1)(c) of~~ section 4729.90 of the Revised Code means those virtues of a person which are generally recognized as beneficial to the public health, safety and welfare, or a pattern of behavior conforming to a profession's ethical standards and showing an absence of moral turpitude, including conduct consistent with justice, honesty, or morality.

~~(H)~~ "Hazardous drug" means any dangerous drug identified by at least one of the following criteria:

~~(1) Carcinogenicity, teratogenicity, or developmental toxicity;~~

~~(2) Reproductive toxicity in humans;~~

~~(3) Organ toxicity at low dose in humans or animals; or~~

~~(4) Genotoxicity or new drugs that mimic existing hazardous drugs in structure or toxicity.~~

~~(J)~~(O) "In good standing" means a pharmacist to which all the following apply:

(1) Has not been denied the privilege of supervising interns, ~~or~~ pharmacy technicians, or technician trainees by the board;

(2) Has not been denied a license, registration or certificate by any public agency or licensing agency; and

(3) Does not have a license, registration or certificate limited, suspended, currently on probation, ~~or~~ revoked by any public agency or licensing agency.

(P) "Pharmacist" means an individual who holds a valid pharmacist license in accordance with Chapter 4729. of the Revised Code.

~~(J)~~(O) "Pharmacy technician trainee" means a person who:

(1) Intends to enroll or is enrolled in an approved training program pursuant to rule 4729:3-3-02 of the Administrative Code to obtain a registration as a registered or certified pharmacy technician;

(2) Is registered as a pharmacy technician trainee with the state board of pharmacy; and

(3) Practices in this state in accordance with rule 4729:3-3-01 of the Administrative Code.

(R) "Place on probation" means to take action against a license or registration, for a period of time determined by the board, which imposes conditions or other requirements, or suspends or otherwise restricts some or all of the activities in which the licensee or registrant may engage.

(S)

(1) "Positive identification" means a method of identifying a person that does not rely solely on the use of a private personal identifier such as a password, but must use a secure means of identification that includes any of the following:

(a) A manual signature on a hard copy record;

(b) A magnetic card reader;

(c) A bar code reader;

(d) A biometric method;

(e) A proximity badge reader;

(f) A board approved system of randomly generated personal questions;

(g) A printout of every transaction that is verified and manually signed within a reasonable period of time by the individual who performed the action requiring positive identification. The printout must be maintained for three years and made readily retrievable; or

(h) Other effective methods for identifying individuals that have been approved by the board.

(2) A method relying on a magnetic card reader, a bar code reader, a proximity badge reader, or randomly generated questions for identification must also include a private personal identifier, such as a password, for entry into a secure mechanical or electronic system.

(T) "Refill authorization" means authorization from a prescriber or prescriber's agent for a new non-controlled substance prescription renewal, provided that the prescription remains unchanged.

(U) "Refuse to grant or renew" means to deny original or continued licensure or registration for a period of at least twenty-four months. After twenty-four months, or such period of time as the individual board order may require, a person licensed or registered by the board or a person seeking to attain such status by licensure or registration, and whose license or registration the state board of pharmacy has refused to grant or renew, may make application to the board for issuance of a new license or registration. A person that seeks to attain such status by licensure or registration, whose license or registration the state board of pharmacy has refused to grant or renew, must meet all requirements established by the board in rule and as may be set forth in the person's board order.

~~(K)~~ "Refill authorization" means authorization from a prescriber or prescriber's agent for a non-controlled prescription renewal, provided that the prescription remains unchanged.

~~(1)~~ As used in this paragraph:

~~(a)~~ "Prescription refill" means the dispensing of dangerous drugs pursuant to a prescriber's authorization provided on the original prescription; and

~~(b)~~ "Prescription renewal" means the dispensing of dangerous drugs pursuant to a prescriber's authorization to fill an existing prescription that has no refills remaining.

~~(L)~~(V) "Registered pharmacy technician" means a person who:

(1) Has completed an approved training program pursuant to rule 4729:3-3-02 of the Administrative Code; ~~or complies with the education and training requirements in division (E)(1) of section 4729.90 of the Revised Code;~~

(2) Is registered with the state board of pharmacy; and

(3) Practices in this state in accordance with rule 4729:3-3-03 of the Administrative Code.

~~(M)~~(W) "Responsible person" has the same meaning as defined in ~~agency rule 4729:5-2-01~~ of the Administrative Code ~~and who is responsible for the practice of the profession of pharmacy, including, but not limited to, the supervision and control of dangerous drugs as required in division (B) of section 4729.55 of the Revised Code, adequate safeguards as required in division (C) of section 4729.55 of the Revised Code, security and control of dangerous drugs and maintaining all drug records otherwise required.~~

(X) "Revoke" means to take action against a license or registration rendering such license or registration void and such license or registration shall not be reissued. Revoke is an action that is permanent against the licensee or registrant.

~~(N)~~(Y) "State" means a state of the United States, the District of Columbia, the Commonwealth of Puerto Rico or a territory or insular possession subject to the jurisdiction of the United States.

~~(O)~~(Z)

(1) "Support personnel" means the following:

(a) An individual employed or performing contracted services at a location licensed as a terminal distributor of dangerous drugs, trained to perform clerical duties associated with the practice of pharmacy, including pricing, cashiering, drug purchasing, delivering, scheduling deliveries, answering non-professional telephone inquiries, transportation of dispensed medications within a hospital, documenting and processing third-party billing information for reimbursement, or any other activity as determined by the board.

(b) An individual contracted by a terminal distributor of dangerous drugs to perform drug inventories.

(2) Except for those responsible for the delivery of dangerous drugs, support personnel shall not have unsupervised access to dangerous drugs.

(3) Except as provided in paragraphs ~~(O)~~(X)(4) and ~~(O)~~(X)(5) of this rule or as otherwise authorized by the board in agency 4729 of the Administrative Code, support personnel shall not perform the tasks of a pharmacist, pharmacy intern, certified pharmacy technician, registered pharmacy technician, or pharmacy technician trainee.

(4) Support personnel may have access to or retrieve information from patient records, including a database or patient profile to perform clerical duties associated with the practice of pharmacy. Support personnel shall not enter prescription information into a patient profile.

(5) Support personnel may perform the following:

(a) Transporting dangerous drugs from a loading dock, warehouse or other area that receives shipments from a licensed wholesaler or other person licensed in accordance with section 4729.52 of the Revised Code; and

- (b) Stocking and retrieving from inventory non-controlled dangerous drugs that are not dispensed by the pharmacy.
- (6) The terminal distributor of dangerous drugs shall be responsible for ensuring all support personnel comply with state and federal requirements to ensure the confidentiality of patient health records.
- (7) Support personnel shall not serve as a pharmacist's delegate pursuant to section 4729.80 of the Revised Code.
- (8) Support personnel are not required to obtain licensure or registration under Chapter 4729. of the Revised Code.
- (AA) "Suspend" means to take action against a license or registration rendering such license or registration without force and effect for a period of time as determined by the state board of pharmacy.
- (BB) "Summary suspension" means to take immediate action against a license or registration without a prior hearing rendering such license or registration without force and effect for a period of time as indicated in section 3719.121 of the Revised Code. The board may suspend a license or registration issued pursuant to Chapter 4729. of the Revised Code by utilizing a telephone conference call to review the allegations and take a vote.
- ~~(P) "United States Pharmacopeia Chapter <795>" or "USP <795>" means United States Pharmacopeia Chapter <795>, USP 40-NF 35, or any official supplement thereto (10/2/2017).~~
- ~~(Q) "United States Pharmacopeia Chapter <797>" or "USP <797>" means United States Pharmacopeia Chapter <797>, USP 40-NF 35, or any official supplement thereto (10/2/2017).~~
- ~~(R)~~(CC) "Veteran" means anyone who is serving or has served under honorable conditions in any component of the armed forces, including the national guard and reserve.

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Certification

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