



## MEMORANDUM

**TO:** Cameron McNamee, Ohio State Board of Pharmacy

**FROM:** Paula Steele, Regulatory Policy Advocate

**DATE:** April 24, 2015

**RE:** **CSI Review – Pharmacists Administrative Provisions & Violations as Evidence for Denial of License** (OAC 4729-5-23, 4729-5-36 through 4729-5-38, and 4729-9-19)

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On behalf of Lt. Governor Mary Taylor, and pursuant to the authority granted to the Common Sense Initiative (CSI) Office under Ohio Revised Code (ORC) section 107.54, the CSI Office has reviewed the abovementioned administrative rule package and associated Business Impact Analysis (BIA). This memo represents the CSI Office's comments to the Agency as provided for in ORC 107.54.

### Analysis

This Ohio State Board of Pharmacy (Board) rule package consists of five draft rules – one new and four amended<sup>1</sup> rules. This rule package was submitted to the CSI Office on March 11, 2015, with the comment period ending March 27, 2015. Two public comments were received during the comment period.

Most of the proposed rules are being updated or created to reflect changes made to Ohio statute. For example, the new rule 4729-5-23 clarifies recent legislation that allows pharmacists to provide diabetic shoe fitting services. Other amendments driven by legislative changes pertain to immunizations and protocols and training related to immunizations. Finally, rule 4729-9-19 clarifies the standards for which a license for terminal or wholesale distributors can be denied.

According to the BIA, the Board engaged stakeholders for input and incorporated suggestions into the proposed rules. During the CSI review process, the Ohio Pharmacists Association provided a

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<sup>1</sup> One of the existing rules is being amended by more than 50 percent; therefore, the Legislative Service Commission requires that the existing rule be rescinded and replaced by a new rule that has the same rule number.

comment of support for the rules. Staff from the Ohio Board of Orthotics, Pedorthics and Prosthetics provided expert advice in regard to appropriate consumer outcomes and other matters.

Except for the proposed new rule, only the amended portions of the draft rules were reviewed for adverse impacts to business because the rules are not subject to a five-year review process in which CSI reviews the rules in their entirety. Upon review of the proposed rules and BIA, it was determined that the rule package satisfactorily meets the standards espoused by the CSI Office, and the purpose of the rules justifies the adverse impacts identified in the BIA.

### **Recommendations**

For the reasons described above, the CSI Office has no recommendations regarding this rule package.

### **Conclusion**

Based on the above comments, the CSI Office concludes that the Board should proceed with the formal filing of this rule package with the Joint Committee on Agency Rule Review.

cc: Mark Hamlin, Lt. Governor's Office