

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

Agency Name

Division

Cameron McNamee

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4729-5-39

Rule Number

AMENDMENT

TYPE of rule filing

Rule Title/Tag Line

Dispensing of naloxone.**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? **Yes**Bill Number: **HB4**General Assembly: **131**Sponsor: **Sprague and
Rezabek**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: **4729.44, 4729.26**5. Statute(s) the rule, as filed, amplifies
or implements: **4729.44**

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

Section 4729.44 of the Ohio Revised Code requires the Board to adopt rules specifying the protocol under which pharmacists or pharmacy interns may dispense naloxone without a prescription. Without these regulations, the Ohio State Board of Pharmacy would not be able to provide uniform requirements for pharmacies that dispense of naloxone without a prescription.

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:

Rule authorizes a pharmacist or pharmacy intern to dispense naloxone (an opioid overdose antidote) pursuant to a protocol. The rule is being amended to permit a pharmacist's designee to provide the required patient training prior to dispensing. The rule is also removes the requirement that pharmacy protocols be updated annually and authorizes certain entities licensed as terminal distributors of dangerous drugs to conduct occasional wholesale sales of naloxone to law enforcement.

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 Revised Code and the Ohio Administrative Code. The O.R.C. and O.A.C. are 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 these texts 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:

Not Applicable.

12. Five Year Review (FYR) Date: **10/16/2020**

(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.

\$0.00

No 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:

Those that do offer this service will be required to provide patient counseling and written materials to patients, which may result in increased administrative costs (patient counseling may take up to 10-15 minutes per patient). The Board is planning to provide these written materials free-of-charge to participating pharmacies in order to offset some of the cost incurred. In addition, the pharmacy's responsible person (i.e. the pharmacist in charge) will be required to provide any training to dispensing pharmacists and interns as well as notify the Board that they are offering this service. Such requirements will result in increased administrative costs to the responsible person to ensure compliance with the rule.

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? **No**

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 this rule may result in administrative licensure discipline for a pharmacist, pharmacy intern and terminal/wholesale distributors of dangerous drugs. Discipline might include reprimand, suspension of a license, required course work (pharmacists/interns), monetary fine and/or revocation of a license.

C.) Does this rule require specific expenditures or the report of information as a condition of compliance? **Yes**

Requires notification to the Board if dispensing naloxone.