

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

Agency Name

Division

Cameron McNamee

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4729-9-09

Rule Number

NEW

TYPE of rule filing

Rule Title/Tag Line

Inspections and Corrective Actions.**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: **4729.26, 3719.28**5. Statute(s) the rule, as filed, amplifies or implements: **4729.25, 3719.18, 3719.13**

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 care throughout Ohio. Without this regulation, the State of Ohio Board of Pharmacy would not be able to ensure timely responses and corrections to violations of laws and rules identified during an inspection.

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:

Authorizes Board to conduct inspections. Requires response for violations found during an inspection within 30 days of notification.

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 United States Code (U.S.C). The U.S.C. is generally available in libraries and on the internet to persons who reasonably can be expected to be affected by the rule.

This rule references the Ohio Revised Code. The O.R.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 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:

(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:

Adverse impact of this regulation is the time it takes to prepare a response to violations identified by a Board inspector. The time to respond is dependent on the number of violations observed.

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 of corrective actions.