

4729:5-2-04

**Procedure for discontinuing business as a terminal distributor of dangerous drugs.**

- (A) A terminal distributor of dangerous drugs who plans to discontinue business activities shall file a notice with the board of pharmacy. The notice shall be submitted, in a manner determined by the board, within thirty days of discontinuation of business as a terminal distributor of dangerous drugs. ~~at least thirty days in advance of the proposed date of discontinuing business, unless waived by the board's executive director or the director's designee due to extraordinary circumstances beyond the licensee's control.~~ This notice shall include the following information:
- (1) The name, address, and license number of the terminal distributor discontinuing business.
  - (2) The name, address, and license number of the terminal distributor or other authorized entity where the dangerous drugs will be transferred.
  - (3) The name and address of the secured location where the records of purchase and sale will be kept in accordance with this division of the Administrative Code.
  - (4) The proposed date of discontinuing business.
- (B) Unless the licensee is informed by the executive director before the proposed date of discontinuing business that the transfer of dangerous drugs and records may not occur, the licensee discontinuing business may transfer the dangerous drugs and patient records. ~~in accordance with the following:~~
- ~~(1) On the date of discontinuing business, a complete inventory of all controlled substances being transferred, or disposed of, in accordance with rule 4729:5-3-01 of the Administrative Code, shall be made. The inventory shall list the name, strength, dosage form, and quantity of all controlled substances transferred or disposed.~~
  - ~~(2) This inventory shall serve as the final inventory of the licensee discontinuing business and the initial inventory of the licensee to whom the controlled substances are being transferred. A copy of the inventory shall be included in the records of each licensee involved in the transfer.~~
- (C) On the date of discontinuing business, a complete inventory of all controlled substances being transferred, or disposed of, in accordance with rule 4729:5-3-01 of the Administrative Code, shall be made. The inventory shall list the name, strength, dosage form, and quantity of all controlled substances transferred or disposed.

This inventory shall serve as the final inventory of the licensee discontinuing business and the initial inventory of the licensee to whom the controlled substances are being transferred. A copy of the inventory shall be included in the records of each licensee involved in the transfer.

(D) A terminal distributor of dangerous drugs licensed as a pharmacy that is permanently closing shall:

(1) Provide notification, using the information on file with the pharmacy, to each patient who has filled a prescription within the previous six months. This notification must be made a minimum of fifteen calendar days prior to closing and must include:

(a) The last day the pharmacy will be open;

(b) Name, address, and telephone number of the pharmacy that will take possession of the pharmacy records or the person who will serve as the custodian of records;

(c) Instructions on how patients can arrange for transfer of their pharmacy records to a pharmacy of their choice; and

(d) The last day a transfer may be initiated.

(2) The notification shall be made via:

(a) Direct mail, e-mail, or text message; and

(b) Posting a closing notice on each pharmacy entrance, on each telephone greeting, and pharmacy-operated internet (e.g., website, social media, mobile applications).

(3) Provide any new patients filling prescriptions during the fifteen-calendar day period prior to the pharmacy closing with written notification that includes:

(a) The last day the pharmacy will be open;

(b) Name, address and telephone number of the pharmacy to which pharmacy records will be transferred or the person who will serve as the custodian of pharmacy records;

(c) Instructions on how patients can arrange for transfer of their pharmacy records to a pharmacy of their choice; and

(d) The last day a transfer may be initiated.

Effective:

Five Year Review (FYR) Dates: 4/24/2024

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Certification

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Date

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