

8/8/2017

The following information is being provided pursuant to the requirements of Executive Order 2011-01K and Senate Bill 2 of the 129th General Assembly, which require state agencies, including the State of Ohio Board of Pharmacy, to draft rules in collaboration with stakeholders, assess and justify an adverse impact on the business community (as defined by S.B. 2), and provide an opportunity for the affected public to provide input on the following rules.

New

- 4729:1-5-01: Defines terms related to pharmacist continuing education requirements.
- 4729:1-5-02: Establishes continuing education requirements for pharmacists, including the transition to a two-year licensing cycle.
- 4729:1-5-03: Grants extension periods and waivers for the completion of continuing education requirements for active duty veteran members and their spouses.
- 4729:1-4-02: Establishes the requirements for when and how pharmacists should notify the Board of Pharmacy of violations of Ohio laws and rules.
- 4729:1-4-01: Establishes the scope of disciplinary actions the Board of Pharmacy may impose on pharmacists.
- 4729:1-2-06: Establishes the requirements for when and how a pharmacist should notify the Board of Pharmacy of a change to their license.
- 4729:1-2-07: Establishes licensing and renewal process for pharmacists.
- 4729:1-2-08: Allows for pharmacist with an expired license to be granted renewal contingent upon their service, or the service of a spouse, in the armed forces.

Rescinded

- 4729-5-05: Establishes the requirements for when and how a pharmacist or pharmacy intern should notify the Board of Pharmacy of a change to their license.

Comments on the proposed rules will be accepted until close of business on August 28, 2017. Please send all comments to the following email address:

Cameron.mcnamee@pharmacy.ohio.gov

In addition, please copy your comments to:

CSIPublicComments@governor.ohio.gov

77 SOUTH HIGH STREET | 30TH FLOOR | COLUMBUS, OHIO 43215-6117
CSIOhio@governor.ohio.gov

CSI - Ohio

The Common Sense Initiative

Business Impact Analysis

Agency Name: State of Ohio Board of Pharmacy

Regulation/Package Title: Pharmacists

Rule Number(s): New: 4729:1-5-01; 4729:1-5-02; 4729:1-5-03; 4729:1-4-02; 4729:1-4-01; 4729:1-2-06; 4729:1-2-07; 4729:1-2-08

Date: 8/8/2017

Rule Type:

New

5-Year Review

Amended

Rescinded

The Common Sense Initiative was established by Executive Order 2011-01K and placed within the Office of the Lieutenant Governor. Under the CSI Initiative, agencies should balance the critical objectives of all regulations with the costs of compliance by the regulated parties. Agencies should promote transparency, consistency, predictability, and flexibility in regulatory activities. Agencies should prioritize compliance over punishment, and to that end, should utilize plain language in the development of regulations.

Regulatory Intent

1. Please briefly describe the draft regulation in plain language.

New

- 4729:1-5-01: Defines terms related to pharmacist continuing education requirements.
- 4729:1-5-02: Establishes continuing education requirements for pharmacists, including the transition to a two-year licensing cycle.
- 4729:1-5-03: Grants extension periods and waivers for the completion of continuing education requirements for active duty veteran members and their spouses.

77 SOUTH HIGH STREET | 30TH FLOOR | COLUMBUS, OHIO 43215-6117

CSIOhio@governor.ohio.gov

- 4729:1-4-02: Establishes the requirements for when and how pharmacists should notify the Board of Pharmacy of violations of Ohio laws and rules.
- 4729:1-4-01: Establishes the scope of disciplinary actions the Board of Pharmacy may impose on pharmacists.
- 4729:1-2-06: Establishes the requirements for when and how a pharmacist should notify the Board of Pharmacy of a change to their license.
- 4729:1-2-07: Establishes licensing and renewal process for pharmacists.
- 4729:1-2-08: Allows for pharmacist with an expired license to be granted renewal contingent upon their service, or the service of a spouse, in the armed forces.

Rescinded

- 4729-5-05: Establishes the requirements for when and how a pharmacist or pharmacy intern should notify the Board of Pharmacy of a change to their license.

2. Please list the Ohio statute authorizing the Agency to adopt this regulation.

The proposed rules are authorized by sections 4729.26 and 4729.10 of the Ohio Revised Code.

3. Does the regulation implement a federal requirement? Is the proposed regulation being adopted or amended to enable the state to obtain or maintain approval to administer and enforce a federal law or to participate in a federal program?

These rules do not implement a federal requirement.

4. If the regulation includes provisions not specifically required by the federal government, please explain the rationale for exceeding the federal requirement.

This rule package exceeds federal requirements because the regulation of the practice of pharmacy has traditionally been done at the state level by legislatively created state boards of pharmacy. The regulation of the pharmacy practice includes valid requirements for licensure as a pharmacist.

5. What is the public purpose for this regulation (i.e., why does the Agency feel that there needs to be any regulation in this area at all)?

Section 4729.26 of the Ohio Revised Code authorizes the Board of Pharmacy to adopt rules governing the practice of pharmacy and distribution of dangerous drugs.

Section 4729.10 of the Ohio Revised Code authorizes the Board of Pharmacy to adopt rules requiring a licensee or registrant to report to the board a violation of state or federal law.

6. How will the Agency measure the success of this regulation in terms of outputs and/or outcomes?

The success of the regulations will be measured by having rules written in plain language, licensee compliance with the rules, and minimal questions from licensees regarding the provisions of the rules.

Development of the Regulation

7. Please list the stakeholders included by the Agency in the development or initial review of the draft regulation.

The rules in this package were reviewed by the Board's Rules Review Committee. The Committee, composed of pharmacists from a number of practice settings, is responsible for reviewing and approving all rules prior to their legislatively mandated five-year review date.

Prior to filing with CSI, the rules were also reviewed and approved by the Board of Pharmacy.

8. What input was provided by the stakeholders, and how did that input affect the draft regulation being proposed by the Agency?

For the proposed rules, the Board of Pharmacy Rules Review Committee reviewed the proposed changes. Any proposed feedback agreed to by the committee and approved by the Board was incorporated into the rule package, specifically:

- Removal of a category of medication error that would have been reported in rule 4729:1-4-02.
- Specific reference to National Coordinating Council for Medication Error Reporting and Prevention in rule 4729:1-4-02.
- Providing a definition of "one-third of a licensee's continuing education requirement" in rule 4729:1-5-01.
- Requiring 0.2 CEUs of pharmacy jurisprudence (instead of 0.3 CEUs) to coincide with proposed technician rules in rule 4729:1-5-02.

9. What scientific data was used to develop the rule or the measurable outcomes of the rule? How does this data support the regulation being proposed?

Scientific data was not used to develop or review this rule.

10. What alternative regulations (or specific provisions within the regulation) did the Agency consider, and why did it determine that these alternatives were not appropriate? If none, why didn't the Agency consider regulatory alternatives?

As the regulations are essential to protecting the public's safety by ensuring uniform standards for licensure of pharmacists, the State of Ohio Board of Pharmacy did not consider any regulatory alternatives.

11. Did the Agency specifically consider a performance-based regulation? Please explain.
Performance-based regulations define the required outcome, but don't dictate the process the regulated stakeholders must use to achieve compliance.

The agency did not consider a performance-based regulation for this rule package. It is the Board's responsibility to ensure uniform regulations across Ohio. At this juncture, it was the determination of the Board that the rule package did not lend itself to performance-based regulations.

12. What measures did the Agency take to ensure that this regulation does not duplicate an existing Ohio regulation?

The Board of Pharmacy's Director of Policy and Communications reviewed the proposed rules to ensure that the regulations do not duplicate another State of Ohio Board of Pharmacy regulation.

13. Please describe the Agency's plan for implementation of the regulation, including any measures to ensure that the regulation is applied consistently and predictably for the regulated community.

The rules will be posted on the Board of Pharmacy's web site, information concerning the rules will be included in materials e-mailed to licensees, and notices will be sent to associations, individuals and groups. Board of Pharmacy staff are also available via phone or email to answer questions regarding implementation of the rules. In addition, the Board's compliance agents are trained to educate licensees on current and/or new regulations during on-site inspections.

Board of Pharmacy staff receive regular updates on rules via a monthly internal newsletter, quarterly staff meetings featuring a regulatory update, mandatory all-day law reviews for new

77 SOUTH HIGH STREET | 30TH FLOOR | COLUMBUS, OHIO 43215-6117

CSIOhio@governor.ohio.gov

employees and email updates from the Director of Policy and Communication and feedback from the Board's legal department for every citation submitted.

Adverse Impact to Business

14. Provide a summary of the estimated cost of compliance with the rule. Specifically, please do the following:

a. Identify the scope of the impacted business community;

The rule package impacts the following:

- Pharmacists.

b. Identify the nature of the adverse impact (e.g., license fees, fines, employer time for compliance); and

Violation of these rules may result in administrative licensure discipline for a pharmacist. Discipline might include reprimand, suspension of a license, additional continuing education, monetary fine and/or revocation of a license.

c. Quantify the expected adverse impact from the regulation.

New

- 4729:1-5-01: Defines terms related to continuing education. The regulation should have no adverse impact as it is a definition section.
- 4729:1-5-02: Establishes continuing education requirements for pharmacists. The cost of this rule will be the cost incurred by the pharmacist to obtain continuing education (CE). While CE cost varies, the Board and other providers do offer no-cost CEs to licensees.
- 4729:1-5-03: Grants extension periods and waivers for the completion of continuing education requirements for active duty veteran members and their spouses. Pharmacists to which this rule applies must submit proper documentation to renew their license, which can take approximately 30 minutes to complete.
- 4729:1-4-02: Establishes the requirements for when and how pharmacists should notify the Board of Pharmacy of violations of Ohio laws and rules. The regulation should have no adverse impact. This rule will require the reporting of suspected violations to the Board. The suspected violations may be reported using the Board's online compliant form, which takes approximately 10-15 minutes per submission.
- 4729:1-4-01: Establishes the scope of disciplinary actions the Board of Pharmacy may impose on pharmacists. The regulation should have no adverse impact. Disciplinary

77 SOUTH HIGH STREET | 30TH FLOOR | COLUMBUS, OHIO 43215-6117

CSIOhio@governor.ohio.gov

action may result in a fine of up to \$500 per violation as well as other actions listed in question 14b of this rule.

- 4729:1-2-06: Establishes the requirements for when and how a pharmacist should notify the Board of Pharmacy of a change to their license. The regulation includes a reporting requirement. This requirement takes approximately 5-10 minutes to submit the necessary one-page form.
- 4729:1-2-07: Establishes licensing and renewal process for pharmacists. Pharmacists must pay \$125.00 to renew their license, rising to \$250.00 on May 1st, 2019 (fee in statute). Requires submission of renewal application that takes approximately 30 minutes to complete.
- 4729:1-2-08: Allows for pharmacist with an expired license to be granted renewal contingent upon their service, or the service of a spouse, in the armed forces. Pharmacists to which this rule applies must submit proper documentation to renew their license, which can take approximately 30 minutes to complete.

Rescinded

- 4729-5-05: Establishes the requirements for when and how a pharmacist or pharmacy intern should notify the Board of Pharmacy of a change to their license. This rule is being replaced by 4729:1-2-06. The regulation should have no adverse impact as it is being rescinded.

15. Why did the Agency determine that the regulatory intent justifies the adverse impact to the regulated business community?

The Board determined that the regulatory intent justifies the impact on business because the regulations protect and promote public safety by ensuring uniform licensing, reporting and discipline standards for pharmacists.

Regulatory Flexibility

16. Does the regulation provide any exemptions or alternative means of compliance for small businesses? Please explain.

These rules do not provide any exemptions or alternative means of compliance for small businesses. The law does not differentiate on the size of the business and therefore the regulation is uniform across Ohio.

17. How will the agency apply Ohio Revised Code section 119.14 (waiver of fines and penalties for paperwork violations and first-time offenders) into implementation of the regulation?

The State of Ohio Board of Pharmacy does not fine licensees or impose penalties for first-time paperwork violations. However, any failure to renew a license, report a suspected violation or comply with state laws and rules by a pharmacist is not considered a paperwork error but a quality assurance issue by the licensee that is necessary for the protection of the public.

18. What resources are available to assist small businesses with compliance of the regulation?

Board of Pharmacy staff is available by telephone and e-mail to answer questions. Board staff members also provide presentations to groups and associations who seek updates on current regulations. Additionally, staff are trained to educate licensees on compliance with all Board of Pharmacy rules and regulations.

4729:1-5-01 – Continuing Education - Definitions

As used in Chapter 4729:1-5-01 of the Administrative Code.

(A) "A.C.P.E." means the Accreditation Council for Pharmacy Education.

(B) "Board approved pharmacy practice-specific specialty certification program" means a practice-specific specialty certification program approved by the state board of pharmacy. The Board shall adopt a resolution of the approved programs and make a list of the approved programs available on its website www.pharmacy.ohio.gov.

(1) Periodic recertification examinations;

(2) Documentation by the certification program that the pharmacist is currently certified by the program;

(3) Other requirements as determined by the board.

(C) "Continuing education unit" or "C.E.U." means ten contact hours of participation in an organized continuing pharmacy education experience presented by an approved provider.

(D) "Continuing pharmacy education" or "continuing education", as required in section 4729.12 of the Revised Code, means post-licensure pharmacy education undertaken to maintain professional competency to practice pharmacy, improve professional skills, and preserve uniform qualifications for continuing the practice of the profession for the purpose of protecting public health and welfare. Continuing pharmacy education may be obtained from any of the following providers:

(1) A pharmacy jurisprudence program pursuant to paragraph (F) of this rule;

(2) An approved in-state provider of volunteer healthcare services in accordance with section 4745.04 of the Revised Code and rule 4729-6-03 of the Administrative Code;

(3) An A.C.P.E. accredited continuing education provider.

(E) "One-third of a licensee's continuing education requirement" as used in division (C) of section 4745.04 of the Revised Code and paragraph (H) of rule 4729:1-5-02, means the total number of required C.E.U.s for licensure renewal divided by three and rounded down to the nearest whole number.

(F) "Pharmacy jurisprudence" continuing education shall include any of the following:

(1) An A.C.P.E. law program as identified by A.C.P.E numbering convention "03";

(2) A board of pharmacy approved continuing education program provided by an in-state approved jurisprudence provider pursuant to rule 4729-6-02 of the Administrative Code that pertains to current or recent changes to laws, rules, and regulations relating to the practice of pharmacy; or

(3) A program presented by the state board of pharmacy that pertains to current or recent changes to laws, rules, and regulations relating to the practice of pharmacy.

(G) "Patient or medication safety" means an A.C.P.E. continuing education program identified by the A.C.P.E. numbering convention "05" that deals with the prevention of healthcare errors and the elimination or mitigation of patient injury caused by healthcare errors.

(H) "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.

4729:1-5-02 – Continuing Education Requirements for Pharmacists

(A)

(1) Except as provided in paragraphs (A)(2), (A)(3), (A)(4) and (F) of this rule, four C.E.U.s (40 contact hours) of approved continuing education shall be completed by a pharmacist licensed in accordance with Chapter 4729. of the Revised Code prior to the renewal of the pharmacist's license. At least 0.2 C.E.U.s of the total required C.E.U.s must be obtained in pharmacy jurisprudence and at least 0.2 C.E.U.s of the total required C.E.U.s must be obtained in patient or medication safety.

(2) A pharmacist who obtains an initial license by reciprocity or examination after September fifteenth in an odd-numbered year or during even-numbered year shall complete two C.E.U.s (20 contact hours) of approved continuing education shall be completed prior to the renewal of the pharmacist's license. At least 0.1 C.E.U. of the total required C.E.U.s must be obtained in pharmacy jurisprudence and at least 0.1 C.E.U of the total required C.E.U.s must be obtained in patient or medication safety.

(3) A pharmacist who obtains an initial license by reciprocity or examination prior to May first in an odd-numbered year shall complete two C.E.U.s (20 contact hours) of approved continuing education shall be completed prior to the renewal of the pharmacist's license. At least 0.1 C.E.U. of the total required C.E.U.s must be obtained in pharmacy jurisprudence and at least 0.1 C.E.U of the total required C.E.U.s must be obtained in patient or medication safety.

(B)

(1) A pharmacist may satisfy the continuing pharmacy education requirements in accordance with paragraph (A) of this rule by providing evidence at the time of renewal that the pharmacist has met the requirements of and is currently certified by a board approved pharmacy practice-specific specialty certification program.

(2) Pharmacists who meet the requirements pursuant to paragraph (B)(1) of this rule shall be required to complete either of the following prior to renewal:

(a) At least 0.2 C.E.U.s of pharmacy jurisprudence and 0.2 C.E.U.s of patient or medication safety related continuing education. The C.E.U.s must be obtained within a period that is no more than two years prior to September fifteenth of the year in which a pharmacist's license must be renewed.

(b) If the pharmacist obtains initial licensure in accordance with paragraphs (A)(2) and (A)(3) of this rule, at least 0.1 C.E.U. of pharmacy jurisprudence and 0.1 C.E.U. of patient or medication safety related continuing education. The C.E.U.s must be obtained within a period that is no more than two years prior to September fifteenth of the year in which a pharmacist's license must be renewed.

(C)

(1) Except as provided in paragraph (C)(2) of this rule, C.E.U.s must be obtained within a period that is no more than two years prior to September fifteenth of the year in which a pharmacist's license must be renewed.

(2) A pharmacist obtaining initial licensure by reciprocity or examination may apply C.E.U.s obtained during the pharmacist's initial period of licensure to meet the continuing education requirements set forth in this rule.

(D) If continuing pharmacy education is required after a pharmacist's license has lapsed or where the license is being renewed after board action, continuing education must be obtained during the three-year period immediately preceding the date the renewal application is filed with the board office. A pharmacist shall obtain two C.E.U.s for each year the pharmacist's license has lapsed.

(E) C.E.U.s obtained more than the required C.E.U.s at the time the continuing education is required for licensure renewal may not be transferred and applied to future requirements.

(F) For the 2019 pharmacist license renewal cycle only, all pharmacists seeking renewal of a pharmacist license shall comply with the following:

(1) For a pharmacist with a license number that begins with "03-1", either:

(a) Complete six C.E.U.s. The C.E.U.s shall be obtained within a period that is no more than three years prior to September 15, 2019. The C.E.U.s shall include at least 0.3 C.E.U.s in pharmacy jurisprudence and at least 0.2 C.E.U.s in patient or medication safety.

(b) Comply with the requirements of paragraph (B) of this rule and complete at least 0.3 C.E.U.s in pharmacy jurisprudence and at least 0.2 C.E.U.s in patient or medication safety. The required C.E.U.s must be obtained within a period that is no more than three years prior to September 15, 2019.

(2) For a pharmacist with a license number that begins with “03-2”, either:

(a) Complete four C.E.U.s. The C.E.U.s shall be obtained within a period that is no more than two years prior to September 15, 2019. The C.E.U.s shall include at least 0.2 C.E.U.s in pharmacy jurisprudence and at least 0.1 C.E.U.s in patient or medication safety.

(b) Comply with the requirements of paragraph (B) of this rule and complete at least 0.2 C.E.U.s in pharmacy jurisprudence and at least 0.1 C.E.U.s in patient or medication safety. The required C.E.U.s must be obtained within a period that is no more than one year prior to September 15, 2019.

(3) For a pharmacist with a license number that begins with “03-3”, either:

(a) Complete two C.E.U.s. The C.E.U.s shall be obtained within a period that is no more than one year prior to September 15, 2019. The C.E.U.s shall include at least 0.1 C.E.U. in pharmacy jurisprudence and at least 0.1 C.E.U. in patient or medication safety.

(b) Comply with the requirements of paragraph (B) of this rule and complete at least 0.1 C.E.U. in pharmacy jurisprudence and at least 0.1 C.E.U. in patient or medication safety. The required C.E.U.s must be obtained within a period that is no more than one year prior to September 15, 2019.

(4) All pharmacist license renewals after September 15, 2019, regardless of license number, shall comply with the continuing education requirements set forth in paragraph (A) or paragraph (B) of this rule.

(G) Ohio-licensed pharmacists who hold a current license in states where continuing education is mandatory, have met the continuing pharmacy education requirements of that state, and who have not practiced pharmacy in Ohio at any time during the two years prior to the renewal date in which a pharmacist’s license must be renewed, may renew their license in accordance with the provisions of Chapter 4729. of the Revised Code.

(H) A pharmacist may satisfy up to one-third of the pharmacist’s continuing education requirements by providing health care services as a volunteer in accordance with section 4745.04 of the Revised Code. The location where health care services are provided shall be an approved in-state provider of volunteer healthcare services in accordance with rule 4729-6-03 of the Administrative Code.

(I) Pharmacists shall keep all certificates and other documented evidence of participation that have been issued by a non-A.C.P.E. accredited provider for approved C.E.U.s for which the pharmacist has claimed continuing education units towards licensure renewal for a period of one year following the year in continuing education was required for renewal.

(1) Documentation, as determined by the state board of pharmacy, shall be submitted only when requested by the board.

(2) The board shall monitor compliance by conducting an audit of licensees.

(3) The board shall require the reporting of continuing education units to a national or state register.

4729:1-5-03 Veteran and military family provisions related to continuing education.

(A) Extension of continuing education requirements.

(1) In accordance with section 5903.12 of the Revised Code, the state board of pharmacy shall grant extension periods and waivers for the completion of continuing education requirements for active duty veteran members and the spouses of active duty veterans. If a current pharmacist or their spouse is called to active duty for military service, the time period allowed for completion of any continuing education requirements will be extended by the amount of time that the pharmacist or the pharmacist's spouse was on active duty.

(2) Upon receiving the application and proper documentation, the board's director of licensing shall extend the continuing education reporting period by an amount of time equal to the total number of months that the licensee or their spouse spent on active duty during the current reporting period. For purposes of this division, any portion of a month served on active duty shall be considered one full month.

(3) The licensee shall submit proper documentation certifying the active duty service and the length of that active duty service. Documentation required to obtain an extension or waiver pursuant to paragraph (A)(1) of this rule will be published on the state board of pharmacy's website: www.pharmacy.ohio.gov.

(B) Determining fulfillment of continuing education.

(1) If a pharmacist is a veteran, the state board of pharmacy shall consider relevant military education, training or service that has been completed by the license holder no more than two years prior to September fifteenth of the year in which a pharmacist's license must be renewed when determining the fulfillment of any continuing education requirements.

(2) For the board to consider relevant education, training, or service completed by a pharmacist, the licensee shall submit a request for consideration and evidence or documentation of the education, training, or service to the director of licensing at least thirty days prior to the required continuing education reporting period pursuant to rule 4729:1-5-02 of the Administrative Code.

4729:1-4-02 – Duty to Report

(A) As used in this rule:

(1) “Error in dispensing” or “prescription error” means an act or omission of clinical significance relating to the dispensing of a drug. An error in dispensing is considered a violation of division (A)(2) of section 3715.52 and section 3715.64 of the Revised Code.

(2) “Harm” means impairment of the physical, emotional, or psychological function or structure of the body and/or pain resulting therefrom.

(3) “Intervention” means a change in therapy or active medical/surgical treatment.

(4) “Intervention necessary to sustain life” means cardiovascular and respiratory support (e.g., CPR, defibrillation, intubation, etc.).

(B) Pursuant to section 4729.10 of the Revised Code, a pharmacist who has knowledge, from direct observation or objective evidence, of violations described in paragraph (C) of this rule shall report such conduct to the Board.

(C) The following shall be reported to the Board:

(1) Except as provided in paragraph (C)(1)(a) of this rule, conduct indicating an individual licensed or registered by the board is addicted to or is suspected to be abusing alcohol, drugs or other chemical substances or impaired physically or mentally to such a degree as to render the individual unfit to carry out their professional duties.

(a) A pharmacist shall not be required to report in accordance with this rule if the pharmacist becomes aware of any condition described in paragraph (C)(1) of this rule as a result of either:

(i) The pharmacist’s treatment of the individual for the condition; or

(ii) The pharmacist having access to the individual’s protected health information.

(2) Except as provided in paragraph (H) of this rule, violations, attempts to violate or aid and abet in the violation of any of the provisions of Chapters 4729., 3715., 3719., 2925. and 2913. of the Revised Code, or any rule adopted by the board under those provisions by an individual or entity licensed or registered by the board.

(3) Conduct by a pharmacy technician trainee, registered pharmacy technician, certified pharmacy technician, pharmacy intern or pharmacist that constitutes unprofessional conduct or dishonesty as defined in rule 4729:1-4-01 of the Administrative Code.

(D)

(1) Pursuant to section 4729.23 of the Revised Code, the identity of the pharmacist making a report under paragraph (C) of this rule shall remain confidential.

(2) Notwithstanding the confidentiality provided in accordance with paragraph (C)(1) of this rule, a pharmacist may be required to testify in a disciplinary proceeding as to the conduct or violations listed in paragraph (C) of this rule without disclosing they were the reporting individual.

(E) Reporting required in accordance with paragraph (C) this rule shall be made in writing, either by mail, using the board's online complaint form (available on the board's web site: www.pharmacy.ohio.gov), or by telephone and shall include the following information:

(1) The name of the licensee or registrant or other individual in violation;

(2) The violation which is believed to have occurred; and

(3) The date(s) of and place(s) of occurrence(s), if known.

(F) A licensed pharmacist shall notify the board of any of the following:

(1) Any criminal conviction within ten days after the date of conviction, except for minor traffic violations such as parking violations, speeding tickets and violations such as failure to obey a red light and failure to use a turn signal or expired registration.

(2) Convicted of, plead guilty to, is subject to a judicial finding of eligibility for intervention in lieu of conviction in this state under section 2951.041 of the Revised Code or the equivalent thereof in another jurisdiction within ten days after the individual is deemed eligible.

(3) Granted entry into a diversion program, deferred prosecution program, or the equivalent thereof within ten days after the individual is granted entry into a program.

(4) Any arrest for a felony within ten days after the arrest.

(G) A pharmacist shall notify the board of any disciplinary licensing or registration action taken by another state against the licensee within ten days of the notice action. This includes, but is not limited to, a disciplinary action that is stayed pending appeal.

(H) An error in dispensing shall not be required to be reported pursuant to paragraph (C) of this rule except when the prescription error results in any of the following per the National Coordinating Council for Medication Error Reporting and Prevention:

(1) An error occurred that may have contributed to or resulted in temporary harm to the patient and required intervention;

(2) An error occurred that may have contributed to or resulted in temporary harm to the patient and required initial or prolonged hospitalization;

(3) An error occurred that may have contributed to or resulted in permanent patient harm;

(4) An error occurred that required intervention necessary to sustain life; or

(5) An error occurred that may have contributed to or resulted in the patient's death.

(I) Pursuant to rule 4729.10 of the Revised Code, in the absence of fraud or bad faith, a person who reports in accordance with paragraph (C) of this rule or testifies in any adjudication conducted under Chapter 119. of the Revised Code is not liable to any person for damages in a civil action as a result of the report or testimony.

4729:1-4-01 – Disciplinary Actions

(A) As used in this rule:

(1) “Dishonesty” means any action by a licensee or registrant to include, but is not limited to, making any statement intended to deceive, misrepresent or mislead anyone, or be a party to or an accessory to any fraudulent or deceitful practice or transaction in the practice of pharmacy or in the operation or conduct of a pharmacy.

(2) “Unprofessional conduct” means conduct unbecoming of a licensee or registrant, or conduct that is detrimental to the best interests of the public, including conduct that endangers the health, safety or welfare of a patient or client. Such conduct shall include, but not be limited to, the following acts: coercion, intimidation, harassment, sexual advances, improper use of private health information, threats, degradation of character, indecent or obscene conduct, and theft.

(B)

(1) The state board of pharmacy, after notice and hearing in accordance with Chapter 119. of the Revised Code, may impose any one or more of the following sanctions on a pharmacist if the board finds the individual engaged in any of the conduct set forth in paragraph (B)(2) of this rule:

(a) Revoke, suspend, restrict, limit, or refuse to grant or renew a license;

(b) Reprimand or place the license holder on probation;

(c) Impose a monetary penalty or forfeiture not to exceed in severity any fine designated under the Revised Code for a similar offense, or in the case of a violation of a section of the Revised Code that does not bear a penalty, a monetary penalty or forfeiture of not more than five hundred dollars.

(2) The board may impose the sanctions listed in paragraph (B)(1) of this rule if the board finds a pharmacist:

(a) Has been convicted of a felony, or a crime of moral turpitude, as defined in section [4776.10](#) of the Revised Code;

(b) Engaged in dishonesty or unprofessional conduct in the practice of pharmacy;

(c) Is addicted to or abusing alcohol or drugs or is impaired physically or mentally to such a degree as to render the pharmacist or pharmacy intern unfit to practice pharmacy;

(d) Has been convicted of a misdemeanor related to, or committed in, the practice of pharmacy;

- (e) Violated, conspired to violate, attempted to violate, or aided and abetted the violation of any of the provisions of Chapter 4729. of the Revised Code, sections [3715.52](#) to [3715.72](#) of the Revised Code, Chapter 2925., 3796. or 3719. of the Revised Code, or any rule adopted by the board under those provisions;
- (f) Permitted someone other than a pharmacist or pharmacy intern to practice pharmacy;
- (g) Knowingly lent the pharmacist's name to an illegal practitioner of pharmacy or had a professional connection with an illegal practitioner of pharmacy;
- (h) Divided or agreed to divide remuneration made in the practice of pharmacy with any other individual, including, but not limited to, any licensed health professional authorized to prescribe drugs or any owner, manager, or employee of a health care facility, residential care facility, or nursing home;
- (i) Violated the terms of a consult agreement entered into pursuant to section [4729.39](#) of the Revised Code;
- (j) Committed fraud, misrepresentation, or deception in applying for or securing a license issued by the board under this chapter or under Chapter 3715. or 3719. of the Revised Code;
- (k) Failed to comply with an order of the board or a settlement agreement;
- (l) Committed acts that constitute moral turpitude as defined in section [4776.10](#) of the Revised Code or gross immorality;
- (m) Violated any state or federal law, regulation or rule regardless of the jurisdiction in which the acts were committed, except for minor traffic violations such as parking violations, speeding tickets and violations such as failure to obey a red light, failure to use a turn signal or expired vehicle registration;
- (n) Has been disciplined by the Ohio state board of pharmacy pursuant to section [4729.16](#) of the Revised Code;
- (o) Has been disciplined by any professional licensing board; or
- (p) Failed to conform to prevailing standards of care of similar pharmacists under the same or similar circumstances, whether or not actual injury to a patient is established.

4729:1-2-06 Pharmacist change of name, address or employment.

(A) A pharmacist, who has a legal change of name, shall notify the board of pharmacy, in a manner determined by the board, within thirty days from the effective date of such change. Such notification of a name change shall be accompanied by one of the following:

- (1) A notarized affidavit;
- (2) A certified copy of a court record; or
- (3) A certified copy of a marriage certificate.

(B) Requests for a duplicate wall certificate shall be issued in the new name and shall be accompanied by the following:

- (1) The wall certificate issued in the original name; and
- (2) The required fee.

(C) Upon receipt of the required documents and fee pursuant to paragraphs (A) and (B) of this rule, the board will forward the duplicate wall certificate issued in the new name.

(D) A pharmacist who changes their mailing or email address shall notify the board of pharmacy, in a manner determined by the board, of the new address within thirty days after the effective date of such change.

(E) A pharmacist who changes their place of employment shall notify the board of pharmacy, in a manner determined by the board, of the address of the principal place where they practice, including pharmacist placement services, within thirty days after they have commenced such practice.

4729:1-2-07 Pharmacist licensure and renewal.

(A) Upon the effective date of this rule:

(1) A pharmacist license issued by the state board of pharmacy in accordance with Chapter 4729. of the Revised Code entitles the individual to whom it is issued to practice as a pharmacist until the next annual renewal date.

(2) A pharmacist license shall be renewed annually on the fifteenth day of September.

(3) An individual who fails to renew the pharmacist's license by the fifteenth day of September shall not engage in the practice of pharmacy until a valid license is issued by the board.

(4) In accordance with section 4729.15 of the Revised Code, the annual renewal fee shall be one hundred and twenty-five dollars.

(B) Effective May 1, 2019:

(1) Except as provided in paragraph (B)(2) of this rule, a pharmacist license issued by the state board of pharmacy in accordance with Chapter 4729. of the Revised Code entitles the individual to whom it is issued to practice as a pharmacist until the next renewal date.

(2) An initial pharmacist license issued by the state board of pharmacy on or after the first of May of every odd-numbered year in accordance with Chapter 4729. of the Revised Code entitles the individual to whom it is issued to practice as a pharmacist until the renewal date immediately following the next required renewal date.

(3) A pharmacist license shall be renewed on the fifteenth day of September of every odd-numbered year.

(4) An individual who fails to renew the pharmacist's license by the fifteenth day of September of every odd-numbered year shall not engage in the practice of pharmacy until a valid license is issued by the board.

(5) In accordance with section 4729.15 of the Revised Code, the renewal fee shall be two hundred and fifty dollars.

(C) Paragraph (A) of this rule is no longer applicable effective May 1, 2019.

4729:1-2-08 Veteran and military family provisions related to pharmacist licensure.

(A) Renewal of an expired license.

(1) In accordance with section [5903.10](#) of the Revised Code, a holder of an expired license shall be granted a renewal of the license or certificate by the state board of pharmacy at the usual cost without penalty and without re-examination if not otherwise disqualified because of mental or physical disability and if either of the following applies:

(a) The license was not renewed because of the holder's service in the armed forces.

(b) The license was not renewed because the holder's spouse served in the armed forces of the United States or a reserve component of the armed forces and the service resulted in the holder's absence from this state.

(2) A pharmacist shall submit proper documentation certifying the active duty service and the length of that active duty service. Documentation required to obtain a renewal pursuant to paragraph (A)(1) of this rule will be published on the state board of pharmacy's website: www.pharmacy.ohio.gov.

(B) Upon receipt of all required documentation and when applicable, a pharmacist license shall be issued no later than three business days of the applicant's eligibility for licensure, to each applicant who is a veteran, spouse or surviving spouse of a veteran.

(C) The state board of pharmacy may implement fee waivers for licensure. If implemented, fee waivers will be published on the state board of pharmacy's web site: www.pharmacy.ohio.gov.

(D) Substantially equivalent education.

(1) In accordance with section 5903.03 of the Revised Code, there are no military programs of training or military primary specialties which are substantially equivalent to the education requirements for licensure as a pharmacist.