

**MEMORANDUM**

TO: Cameron McNamee, Ohio State Board of Pharmacy

FROM: Paula Steele, Regulatory Policy Advocate

DATE: February 28, 2014

RE: **CSI Review – Nuclear Pharmacies; Management of Drug Therapy Under Consult Agreement with Physician; Fluid Therapy Pharmacies; Emergency Medical Services** (OAC 4729-15-05; 4729-29-07; 4729-31-04; 4729-33-03; 4729-29-01; 4729-29-03; 4729-29-04; 4729-29-06)

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 eight draft rules – four amended and four no-change rules – being proposed under the five-year review requirements of ORC 119.032. The rule package was submitted to the CSI Office on February 6, 2014, and the comment period for the rule closed on February 20, 2014. No public comments were received during the comment period.

The draft rules address the restrictions concerning radiopharmaceuticals, record-keeping requirements for fluid therapy, and drug security and storage for Emergency Medical Service (EMS) providers. Chapter 29 rules address consult agreements pharmacists have with physicians for the purpose of managing drug therapies. The proposed rules include acceptable methods for pharmacists to contact and confer with physicians, require all consult agreements and related records be maintained for three years, and exempt pharmacists from certain ORC requirements if following specified formulary systems within an institutional facility.

According to the BIA, amendments to the rule were generally made to update the rule language to reflect current technologies. Feedback from stakeholders was also incorporated into the rules. In follow up with the Board's staff, the CSI Office requested that the Board reach out to the Ohio Department of Public Safety's Division of Emergency Medical Services, to ensure the Division is aware of the minor amendments included in Rule 4729-33-03 Security and Storage of Dangerous Drugs which regulates Emergency Medical Service organizations drug storage requirements.

The CSI Office also requested the Board's staff make some minor revisions to the BIA. After reviewing the proposed rules and revised BIA, the CSI Office has determined that the rule package satisfactorily meets the standards espoused by the CSI Office, and the purpose of the rules justifies the adverse impact 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