

**MEMORANDUM**

TO: Cameron McNamee, Ohio State Board of Pharmacy

FROM: Sydney King, Regulatory Policy Advocate

DATE: June 5, 2015

RE: **CSI Review – Pharmacists & Dangerous Drugs (OAC 4729-5-20, 4729-5-28, 4729-9-12, 4729-9-08, and 4729-9-15)**

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 five amended¹ rules. This rule package was submitted to the CSI Office on April 9, 2015, with the comment period ending April 24, 2015.

The rule package regulates various areas in the pharmacist profession including the use of the Ohio Automated Rx Reporting System (OARRS), the licensing of terminal distributors of dangerous drugs and wholesale distributors of dangerous drugs, and reporting the theft or loss of dangerous drugs or official written prescription order form.

According to the BIA, the Board reached out to a representative group of stakeholders including several hospital systems and pharmacies. The BIA states that the feedback from the rule review committee was incorporated into the rule package. No comments were received during the CSI

¹ Rule 4729-5-28 is being amended by more than 50 percent. Therefore the Legislative Service Commission requires that the existing rule be rescinded and replaced by a new rule that has the same rule number.

public comment period.

The Board identifies Ohio licensed pharmacists, terminal distributors of dangerous drugs and wholesale distributors of dangerous drugs as the impacted industry. Failure to comply with the requirements can lead to potential administrative discipline that includes reprimand from the Board, and suspension or revocation of a license. Although the BIA states that Rule 4729-5-28 should not result in any adverse impact, the CSI Office engaged in conversations regarding the requirements and the Board stated adverse impacts can be found in possible reciprocity licensing fees for someone out of state (\$337.50), administrative costs associated with developing the policies and procedures, and costs for maintaining records. Because the rule package was not submitted as a five-year rule review, the Board was only required to analyze the costs associated with the amendments in the remaining rules. In the BIA, the Board provides a detailed analysis of the costs. This includes application fees, licensing fees, and administrative time.

After reviewing the proposed rules and BIA, the CSI Office 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