

**MEMORANDUM**

**TO:** Cameron McNamee, Ohio State Board of Pharmacy

**FROM:** Christopher Smyke, Regulatory Policy Advocate

**DATE:** October 26, 2017

**RE:** **CSI Review – Pharmacists (OAC 4729:1-2-06 to -08, 4729:1-4-01 and -02, 4729:1-5-01 to -03, and 4729-5-05)**

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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 rule package consists of nine rules submitted by the Ohio State Board of Pharmacy (Board). There are eight new rules and one rescinded rule in this package. It was submitted to the CSI Office on August 8, 2017 and the comment period closed on August 28, 2017. No comments were received during this time.

Ohio Administrative Code (OAC) 4729:1-2-06 to -08 provide notification requirements to the Board for changes to a Pharmacist's license, outlines the licensing and renewal process, and allows for a pharmacist with an expired license to be granted renewal, contingent upon military service. OAC 4729:1-4-01 and -02 establish the disciplinary actions that the Board may impose on licensees, as well as the requirements for pharmacists to report violations of Ohio laws and rules. OAC 4729:1-5-01 to -03 defines terms, outlines continuing education (CE) requirements, transitions to a two-year licensing cycle, and grants extension periods or waivers for CE completion to active duty veteran members and their spouses. Much of the content of 4729:1-5-01 to -03 was renumbered and reorganized from the rescinded OAC Chapter 4729-07. The rescinded OAC 4729-5-05 outline the requirements for a pharmacist to notify the Board in a change of their

license.

Prior to submission to the CSI Office, the rules were reviewed by the Board's Rule Review Committee, which is comprised of pharmacists from several practice areas. Input from the committee was incorporated into the draft rules, including an additional definition, a reference to the National Coordinating Council for Medication Error Reporting and Prevention, removal of a category of medication error to be reported, and adjusting the amount of CE for pharmacy jurisprudence. No comments were received during the CSI public comment period.

The BIA indicates that the rules impact Board licensed pharmacists. Violation of the rules may result in administrative discipline, including reprimand, suspension or revocation of a license; additional continuing education; or monetary fines (up to \$500 per violation). Per ORC 4729.15, the renewal fee for licensees is set in statute at \$125 (it will rise to \$250 on May 1<sup>st</sup>, 2019) and the renewal application requires 30 minutes to complete. The application to renew an expired license based on military service and extensions or waivers for CE for active duty veteran members or spouses would take approximately 30 minutes each as well.

The Board justifies these rules with the need to enforce uniform licensing, reporting and disciplinary standards for pharmacists. After reviewing the proposed rules and BIA, the CSI Office has determined that the rule package satisfactorily meets the standards espoused by the CSI Office, and the purpose of the rule package is justified.

### **Recommendation**

For the reasons explained above, the CSI office does not have any recommendations for this rule package.

### **Conclusion**

Based on the above comments, the CSI Office concludes that the Ohio State Board of Pharmacy should proceed with the formal filing of this rule package with the Joint Committee on Agency Rule Review.

cc: Emily Kaylor, Lt. Governor's Office