



Common Sense Initiative

Mike DeWine, Governor
Jon Husted, Lt. Governor

Sean McCullough, Director

MEMORANDUM

TO: Cameron McNamee, State of Ohio Board of Pharmacy

FROM: Ethan Wittkorn, Regulatory Policy Advocate

DATE: November 16, 2021

RE: CSI Review – Disqualifying Offenses for Application for Licensure or Registration (OAC 4729-3-01, 4729:1-1-01, 4729:1-2-02, 4729:1-4-01, 4729:1-4-02, 4729:2-1-01, 4729:2-4-01, 4729:2-4-02, 4729:3-4-01, 4729:3-4-02, 4729:5-1-01, 4729:5-2-01, 4729:5-4-01, 4729:6-1-01, 4729:6-2-01, 4729:6-4-01, 4729:11-1-01, 4729:11-2-02, and 4729:11-4-01)

On behalf of Lt. Governor Jon Husted, 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 Board as provided for in ORC 107.54.

Analysis

This State of Ohio Board of Pharmacy (Board) rule package consists of 18 amended rules and one new rule. It was submitted to the CSI Office on September 23, 2021, and the public comment period was open through October 7, 2021. Unless otherwise noted below, this recommendation reflects the version of the proposed rules filed with the CSI Office on September 23, 2021.

The proposed rules cover disqualifying offenses for licensure or registration with the Board, disciplinary action that can be taken by the Board, and notice of violations. Amendments have been proposed to incorporate requirements included in HB 263 of the 133rd General Assembly.

During the period of early stakeholder outreach, the Board reviewed the proposed rules and posted them to their website for public review. During this period, three comments were submitted that requested that references referring to moral character be added back into the rules. However, these

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suggestions were not incorporated, as they do not comply with the requirements of HB 263. No further comments were submitted during the CSI public comment period.

Impacted business communities include Board licensees, such as pharmacists, pharmacy interns and technicians, terminal distributors of dangerous drugs, wholesale distributors of dangerous drugs, and home medical equipment service providers. Adverse impacts of the rules include potential administrative discipline following a violation of Board rules. This may include license denial, reprimand, license suspension, license revocation, or fines. Furthermore, the rules outline that abandoned applications will forfeit any application fees. Other impacts of the rules include maintaining licensing and renewal requirements, completing criminal records checks, and meeting requirements for notification and document submission. The Board states that the adverse impact of the proposed rules are justified because they serve to ensure public health and safety by establishing uniform licensing standards and they are required by recently passed legislation.

Recommendations

Based on the information above, the CSI Office has no recommendations on this rule package.

Conclusion

The CSI Office concludes that the Board should proceed in filing the proposed rules with the Joint Committee on Agency Rule Review.