ACTION: Original

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MEMORANDUM

TO: Cameron McNamee, State of Ohio Board of Pharmacy

FROM: Christopher Smyke, Regulatory Policy Advocate

DATE: June 28, 2018

RE: **CSI Review – Pharmacy Technicians (OAC 4729:3-3-04, 4729:3-4-01, and 4729:3-4-02)**

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 three amended rules proposed by the State of Ohio Board of Pharmacy. The rule package was submitted to the CSI Office on February 8, 2018 and the public comment period was held open through March 1, 2018. No comments were received during this time.

The rules address the activities that certified pharmacy technicians are authorized to perform, as well as Board disciplinary actions for noncompliance and licensee's duty to report misconduct. Ohio Administrative Code (OAC) 3729:3-3-04 is being amended to include stocking automated drug dispensers and adds additional requirements for verbal refill authorizations. OAC 4729:3-4-01 and 4729:3-4-02 are proposed with amendments to align them with the existing disciplinary rules for pharmacists and pharmacy interns.

As part of the early stakeholder outreach process, the Board had the rule reviewed by their Rule Review Committee, which is composed of pharmacists from a number of practice settings. In

addition, the rule was also reviewed and approved by the entire Board of Pharmacy. As a result of the outreach, no substantive changes were suggested. No comments were received during the CSI public comment period.

The rules impact pharmacy technician trainees, registered pharmacy technicians, terminal distributors of dangerous drugs, and licensed pharmacists. The BIA identifies the most significant impact of these rules as the administrative licensure discipline that may result from non-compliance by pharmacy technicians, pharmacists, and terminal distributors. Discipline may include reprimand, license suspension, monetary fine, and/or revocation of a license. The BIA notes that the reporting requirement can be completed online within 10-20 minutes. In addition, a certified technician may take on additional administrative and training requirements if their facility engages in drug compounding. The BIA justifies the rules as necessary to protect the health and safety of the public, as well as promoting uniform training and oversight standards for certified pharmacy technicians.

After reviewing the proposed rules and BIA, the CSI Office has determined that the rules satisfactorily meet the standards espoused by the CSI Office, and the purpose of the rule package is justified.

Recommendation

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

Conclusion

Based on the above comments, the CSI Office concludes that the State of Ohio 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