2/08/2018

The following information is being provided pursuant to the requirements of Executive Order 2011-01K and Senate Bill 2 of the 129th General Assembly, which require state agencies, including the State of Ohio Board of Pharmacy, to draft rules in collaboration with stakeholders, assess and justify an adverse impact on the business community (as defined by S.B. 2), and provide an opportunity for the affected public to provide input on the following rules.

Amended

- 4729:3-3-04 – Establishes the activities certified pharmacy technicians may perform. Amended to include stocking automated drug dispensing units and adds certain requirements for verbal refill authorizations
- 4729:3-4-01 – Establishes the Board of Pharmacy's authority to impose disciplinary actions on a pharmacy technician trainee, registered pharmacy technician or certified pharmacy technician. Amended to harmonize with existing disciplinary rules for interns and pharmacists as established in administrative code.
- 4729:3-4-02 – Establishes the requirements for a pharmacy technician trainee, registered pharmacy technician or certified pharmacy technician to report a violation to the Board of Pharmacy. Amended to not require errors in dispensing to be reported to the board and to harmonize with duty to report sections for pharmacists and interns.

Comments on the proposed rules will be accepted until close of business on **March 1, 2018**. Please send all comments to the following email address:
Ali.Simon@pharmacy.ohio.gov

In addition, please copy your comments to:
CSIPublicComments@governor.ohio.gov

CSI - Ohio
The Common Sense Initiative

Business Impact Analysis

Agency Name: State of Ohio Board of Pharmacy

Regulation/Package Title: Pharmacy Technicians

Rule Number(s):

- 4729:3-3-04
- 4729:3-4-01
- 4729:3-4-02

Date: 2/08/2018

Rule Type:

New	5-Year Review
Amended	Rescinded

The Common Sense Initiative was established by Executive Order 2011-01K and placed within the Office of the Lieutenant Governor. Under the CSI Initiative, agencies should balance the critical objectives of all regulations with the costs of compliance by the regulated parties. Agencies should promote transparency, consistency, predictability, and flexibility in regulatory activities. Agencies should prioritize compliance over punishment, and to that end, should utilize plain language in the development of regulations.

Regulatory Intent

1. Please briefly describe the draft regulation in plain language.

Amended

- 4729:3-3-04 – Establishes the activities certified pharmacy technicians may perform. Amended to include stocking automated drug dispensing units and adds certain requirements for verbal refill authorizations
- 4729:3-4-01 – Establishes the Board of Pharmacy's authority to impose disciplinary actions on a pharmacy technician trainee, registered pharmacy technician or certified pharmacy technician. Amended to harmonize with existing disciplinary rules for interns and pharmacists as established in administrative code.
- 4729:3-4-02 – Establishes the requirements for a pharmacy technician trainee, registered pharmacy technician or certified pharmacy technician to report a violation to the Board of Pharmacy. Amended to not require errors in dispensing to be reported to the board and to harmonize with duty to report sections for pharmacists and interns.

2. Please list the Ohio statute authorizing the Agency to adopt this regulation.

The proposed rules are authorized by sections 4729.26, 4729.10 and 4729.94 of the Ohio Revised Code.

3. Does the regulation implement a federal requirement? Is the proposed regulation being adopted or amended to enable the state to obtain or maintain approval to administer and enforce a federal law or to participate in a federal program?

These rules do not implement a federal requirement.

4. If the regulation includes provisions not specifically required by the federal government, please explain the rationale for exceeding the federal requirement.

This rule package exceeds federal requirements because the regulation of the practice of pharmacy has traditionally been done at the state level by legislatively created state boards of pharmacy. The regulation of the pharmacy practice includes valid requirements for licensure and practice as a pharmacy technician trainee, registered pharmacy technician, or certified pharmacy technician.

5. What is the public purpose for this regulation (i.e., why does the Agency feel that there needs to be any regulation in this area at all)?

Section 4729.26 of the Ohio Revised Code authorizes the Board of Pharmacy to adopt rules governing the practice of pharmacy and distribution of dangerous drugs.

Section 4729.94 of the Ohio Revised Code requires the Board of Pharmacy to adopt rules governing registration of registered pharmacy technicians, certified pharmacy technicians, and pharmacy technician trainees.

Section 4729.10 of the Ohio Revised Code authorizes the Board of Pharmacy to adopt rules under section 4729.26 of the Revised Code requiring a licensee or registrant to the board a violation of state or federal law, including any rule adopted under this chapter.

6. **How will the Agency measure the success of this regulation in terms of outputs and/or outcomes?**

The success of the regulations will be measured by having rules written in plain language, licensee compliance with the rules, and minimal questions from licensees regarding the provisions of the rules.

Development of the Regulation

7. **Please list the stakeholders included by the Agency in the development or initial review of the draft regulation.**

The rules in this package were reviewed by the Board's Rules Review Committee. The Committee, composed of pharmacists from a number of practice settings, is responsible for reviewing and approving all rules prior to their legislatively mandated five-year review date.

Prior to filing with CSI, the rules were also reviewed and approved by the Board of Pharmacy.

8. **What input was provided by the stakeholders, and how did that input affect the draft regulation being proposed by the Agency?**

Stakeholders had some questions regarding the duty to the report rule, which were then clarified via the input process.

9. **What scientific data was used to develop the rule or the measurable outcomes of the rule? How does this data support the regulation being proposed?**

Scientific data was not used to develop or review this rule.

10. What alternative regulations (or specific provisions within the regulation) did the Agency consider, and why did it determine that these alternatives were not appropriate? If none, why didn't the Agency consider regulatory alternatives?

As the regulations are essential to protecting the public's safety by ensuring uniform standards for the regulation and oversight of pharmacy technicians, the State of Ohio Board of Pharmacy did not consider any regulatory alternatives.

11. Did the Agency specifically consider a performance-based regulation? Please explain. ***Performance-based regulations define the required outcome, but don't dictate the process the regulated stakeholders must use to achieve compliance.***

The agency did not consider a performance-based regulation for this rule package. It is the Board's responsibility to ensure uniform practice standards across Ohio. At this juncture, it was the determination of the Board that the rule package did not lend itself to performance-based regulations.

12. What measures did the Agency take to ensure that this regulation does not duplicate an existing Ohio regulation?

The Board of Pharmacy's Director of Policy and Communications reviewed the proposed rules to ensure that the regulations do not duplicate another State of Ohio Board of Pharmacy regulation.

13. Please describe the Agency's plan for implementation of the regulation, including any measures to ensure that the regulation is applied consistently and predictably for the regulated community.

The rules will be posted on the Board of Pharmacy's web site, information concerning the rules will be included in materials e-mailed to licensees, and notices will be sent to associations, individuals and groups. Board of Pharmacy staff are also available via phone or email to answer questions regarding implementation of the rules. In addition, the Board's compliance agents are trained to educate licensees on current and/or new regulations during on-site inspections.

Board of Pharmacy staff receive regular updates on rules via a monthly internal newsletter, biannual staff meetings featuring a regulatory update, mandatory all-day law reviews for new employees, email updates and quarterly webinars from the Director of Policy and Communications and feedback from the Board's legal department for every citation submitted.

Adverse Impact to Business

14. Provide a summary of the estimated cost of compliance with the rule. Specifically, please do the following:

a. Identify the scope of the impacted business community;

The rule package impacts the following:

- Pharmacy technician trainees;
- Registered pharmacy technicians;
- Terminal distributors of dangerous drugs; and
- Pharmacists.

b. Identify the nature of the adverse impact (e.g., license fees, fines, employer time for compliance); and

Violation of these rules may result in administrative licensure discipline for a pharmacist, pharmacy technician or terminal distributor of dangerous drugs. Discipline might include reprimand, suspension of a license, monetary fine and/or revocation of a license.

c. Quantify the expected adverse impact from the regulation.

Amended

- 4729:3-3-04 – An employer that engages in sterile and non-sterile compounding will have to provide additional training for certified technicians prior to engaging in non-sterile compounding. The amended rule does add additional administrative costs of compliance to ensure that all prescription refill requests are properly documented by a certified technician and that pharmacists provide security checks of technicians stocking off-site automated dispensing machines.
- 4729:3-4-01 – Violation of this section may result in administrative licensure discipline for a pharmacy technician. Discipline might include reprimand, suspension of a license, monetary fine ($500) and/or revocation of a license.
- 4729:3-4-02 – This will require notification to the Board if a technician observes a violation specified in the rule. Notification can be performed online and will take approximately 10-20 minutes to complete.

15. Why did the Agency determine that the regulatory intent justifies the adverse impact to the regulated business community?

The Board determined that the regulatory intent justifies the impact on business because the regulations protect and promote public safety by ensuring uniform training standards and oversight of pharmacy technicians.

Regulatory Flexibility

16. Does the regulation provide any exemptions or alternative means of compliance for small businesses? Please explain.

These rules do not provide any exemptions or alternative means of compliance for small businesses. The law does not differentiate on the size of the business and therefore the regulation is uniform across Ohio.

17. How will the agency apply Ohio Revised Code section 119.14 (waiver of fines and penalties for paperwork violations and first-time offenders) into implementation of the regulation?

The State of Ohio Board of Pharmacy does not fine licensees or impose penalties for first-time paperwork violations. However, any failure of a standard of care in the practice of pharmacy by pharmacists and pharmacy interns is not considered a paperwork error but a quality assurance issue by the licensee that is necessary for the protection of the public.

18. What resources are available to assist small businesses with compliance of the regulation?

Board of Pharmacy staff is available by telephone and e-mail to answer questions. Board staff members also provide presentations to groups and associations who seek updates on current regulations and host regional meetings to discuss changes to Ohio laws and rules. Additionally, staff are trained to educate licensees on compliance with all Board of Pharmacy rules and regulations.

4729:3-3-04 Certified pharmacy technicians.

(A) A certified pharmacy technician shall wear a name tag or badge which contains the designation "Certified Pharmacy Technician." The required designation may be added to an existing name tag or badge. The name tag or badge and the required designation shall contain lettering of a legible size.

(B) A certified pharmacy technician may, under the direct supervision of a pharmacist, engage in the following activities at a location licensed as a terminal distributor of dangerous drugs to the extent that the activities do not require the exercise of professional judgment:

(1) Accepting new written, faxed or electronic prescription orders from a prescriber or a prescriber's agent. New verbal prescription orders from a prescriber or a prescriber's agent for non-controlled drugs may be accepted pursuant to paragraph (B)(14) of this rule.

(2) Entering information into and retrieving information from a database or patient profile.

(3) Preparing and affixing labels.

(4) Stocking dangerous drugs and retrieving those drugs from inventory.

(5) Counting and pouring dangerous drugs into containers.

(6) Placing dangerous drugs into containers prior to dispensing by a pharmacist.

(7) Non-sterile drug compounding in accordance with the required training in paragraph (C) of this rule.

(8) Sterile drug compounding in accordance with the required training in paragraph (D) of this rule.

(9) Packaging and selling a dangerous drug to a patient or patient representative.

(10) Sending or receiving electronic prescriptions between pharmacies accessing the same prescription records in a centralized database or pharmacy computers linked in any other manner.

(11) ~~Within an institutional facility as defined in agency 4729 of the Administrative Code,~~ Stocking automated drug dispensing units, floor stock and crash carts at a location licensed as a terminal distributor of dangerous drugs.

(a) Notwithstanding the definition of direct supervision in rule 4729:3-1-01 of the Administrative Code, a certified pharmacy technician may stock an automated drug dispensing unit and floor stock at a location licensed as a terminal distributor of dangerous drugs if a pharmacist is not physically present at the licensed location only under the following circumstances:

(i) A pharmacist is readily available to answer questions of the certified pharmacy technician;

(ii) A pharmacist is responsible for conducting routine verifications of the activities of the certified pharmacy technician to prevent the diversion of dangerous drugs;

(iii) A pharmacist is fully responsible for all activities conducted by the certified pharmacy technician at the licensed location;

(iv) There is a licensed prescriber on-site to provide supervision and control of the drug stock at the location licensed as a terminal distributor of dangerous drugs.

(12) Accepting verbal refill authorizations for dangerous drugs that are not controlled substances from a prescriber or the prescriber's agent, so long as there is no change from the original prescription and in accordance with the following:

(a) The pharmacist on duty who is supervising the activity of the certified pharmacy technician will determine if the technician is competent to receive a verbal refill authorization.

(b) The pharmacist on duty who is supervising the activity of the certified pharmacy technician is responsible for the accuracy of a prescription order received by a technician.

(c) The pharmacist on duty must be immediately available to answer questions or discuss the prescription order received by a certified pharmacy technician.

(d) The certified pharmacy technician may not receive a prescription order for a controlled substance.

(e) If applicable, the certified pharmacy technician receiving a prescription refill order must document the full name of the prescriber's agent.

(f) The receiving certified pharmacy technician shall immediately reduce the prescription order to writing and shall review the prescription with the pharmacist on duty.

(g) Prior to dispensing, positive identification of the receiving certified pharmacy technician and the pharmacist on duty shall be made on the prescription to identify the responsibility for the receipt of the prescription.

(13) Requesting refill authorizations for dangerous drugs from a prescriber or prescriber's agent, so long as there is no change from the original prescription;

(14) ~~Notwithstanding any other provision of agency 4729 of the Administrative Code,~~ Accepting new verbal prescription orders for non-controlled drugs from a prescriber or a prescriber's agent pursuant to the following:

(a) The pharmacist on duty who is supervising the activity of the certified pharmacy technician will determine if the technician is competent to receive a verbal order.

(b) The pharmacist on duty who is supervising the activity of the certified pharmacy technician is responsible for the accuracy of a prescription order received by a technician.

(c) The pharmacist on duty must be immediately available to answer questions or discuss the prescription order received by a certified pharmacy technician.

(d) The certified pharmacy technician may not receive a prescription order for a controlled substance.

(e) If applicable, the certified pharmacy technician receiving a prescription order must document the full name of the prescriber's agent.

(f) The receiving certified pharmacy technician shall immediately reduce the prescription order to writing and shall review the prescription with the pharmacist on duty.

(g) Prior to dispensing, positive identification of the receiving certified pharmacy technician and the pharmacist on duty shall be made on the prescription to identify the responsibility for the receipt of the prescription.

(15) Send or receive copies of non-controlled prescriptions pursuant to the following:

(a) The pharmacist on duty who is supervising the activity of the certified pharmacy technician will determine if the technician is competent to send or receive a prescription copy.

(b) The pharmacist on duty who is supervising the activity of the certified pharmacy technician is responsible for the accuracy of a prescription copy that is sent or received by a technician.

(c) The pharmacist on duty must be immediately available to answer questions or discuss the prescription copy that is sent or received by a certified pharmacy technician.

(d) The certified pharmacy technician may not send or receive a prescription copy for a controlled substance.

(e) The pharmacist or certified pharmacy technician receiving a prescription copy from a certified pharmacy technician must document the full names of the sending technician and the technician's supervising pharmacist. The receiving technician shall immediately reduce the prescription copy to writing and shall review the prescription with the pharmacist on duty. Prior to dispensing, positive identification of the certified pharmacy technician and the pharmacist on duty shall be made on the prescription to identify the responsibility for the receipt of the copy.

(f) The pharmacist or certified pharmacy technician sending a prescription copy to a certified technician must document the full names of the receiving technician and the technician's supervising pharmacist. There must be documented positive identification of the sending certified pharmacy technician and the pharmacist on duty who authorized the transfer of the prescription copy.

(g) The certified technician and the pharmacist on duty must meet all other applicable rules for the transfer of a prescription copy pursuant agency 4729 of the Administrative Code.

(16) Contacting a prescriber or prescriber's agent to obtain clarification for a prescription order if the clarification does not require the exercise of professional judgment.

(C) In order to perform non-sterile drug compounding, a certified pharmacy technician shall complete the following training requirements prior to compounding non-sterile preparations:

(1) Training shall comply with the requirements set forth in the United States pharmacopeia chapter <795>.

(2) Non-sterile drug compounding training shall be obtained through completion of a site-specific, structured on-the-job didactic and experiential training program and shall not be transferable to another practice site, except between practice sites under common ownership and control.

(3) When the responsible person or a pharmacist designated by the responsible person is satisfied with the employee's knowledge and proficiency, the responsible person or the responsible person's designee will sign the documentation records to show that the employee was appropriately trained in accordance with this rule.

(4) Ensuring certified pharmacy technicians are properly trained shall be the responsibility of the terminal distributor of dangerous drugs and the licensee's responsible person.

(5) All training requirements set forth in this paragraph shall be appropriately documented and made readily retrievable for immediate inspection by an agent of the state board of pharmacy. Documentation shall be maintained by the terminal distributor of dangerous drugs for a minimum of three years.

(D) In order to perform sterile drug compounding, a certified pharmacy technician shall complete the following training requirements prior to compounding sterile preparations:

(1) Training shall comply with the requirements set forth in the United States pharmacopeia chapter <797>.

(2) Sterile drug compounding training shall be obtained through completion of a site- specific, structured on-the-job didactic and experiential training program and shall not be transferable to another practice site, except between practice sites under common ownership and control.

(3) When the responsible person or a pharmacist designated by the responsible person is satisfied with the employee's knowledge and proficiency, the responsible person or the responsible person's designee will sign the documentation records to show that the employee was appropriately trained in accordance with this rule.

(4) Ensuring certified pharmacy technicians are properly trained shall be the responsibility of the terminal distributor of dangerous drugs and the licensee's responsible person.

(5) All training requirements set forth in this paragraph shall be appropriately documented and made readily retrievable for immediate inspection by an agent of the state board of pharmacy. Documentation shall be maintained by the terminal distributor of dangerous drugs for a minimum of three years.

(E) A terminal distributor of dangerous drugs and the licensee's responsible person shall be responsible for the implementation of policies and procedures for additional training appropriate to duties and responsibilities performed by a certified pharmacy technician as well as an ongoing quality assurance plan to ensure competency.

4729:3-4-01 Disciplinary actions.

(A) As used in this rule:

(1) "Dishonesty" means any action by a licensee, registrant or applicant to include, but is not limited to, making any statement that deceives, misrepresents or misleads, or be a party to or an accessory to any fraudulent or deceitful practice or transaction in the practice of pharmacy or in the operation or conduct of a pharmacy.

(2) "Unprofessional conduct" means conduct unbecoming of a licensee, registrant or applicant, or conduct that is detrimental to the best interests of the public, including conduct that endangers the health, safety or welfare of a patient or client. Such conduct shall include, but not be limited to, the following acts: coercion, intimidation, harassment, sexual harassment, improper use of private health information, threats, degradation of character, indecent or obscene conduct, and theft.

(3) "Act involving moral turpitude" means an act or behavior that gravely violates moral sentiment or accepted moral standards of the community and is a morally culpable quality held to be present in some criminal offenses as distinguished from others.

(~~A~~ B) The state board of pharmacy, after notice and hearing in accordance with Chapter 119. of the Revised Code, may impose one or more of the following sanctions on a pharmacy technician trainee, registered pharmacy technician, ~~or~~ certified pharmacy technician or applicant for such registration if the board finds the individual engaged in any of the conduct set forth in paragraph (B) of this rule:

(1) Revoke, suspend, restrict, limit, or refuse to grant or renew a registration;

(2) Reprimand or place the holder of the registration on probation;

(3) Impose a monetary penalty or forfeiture not to exceed in severity any fine designated under the Revised Code for a similar offense, or in the case of a violation of a section of the Revised Code that does not bear a penalty, a monetary penalty or forfeiture as specified in section 4729.96 of the Revised Code.

(B) The board may impose the sanctions listed in paragraph (A) of this rule if the board finds a pharmacy technician trainee, registered pharmacy technician, ~~or~~ certified pharmacy technician or applicant for such registration:

(1) Has engaged in any of the conduct specified in division (A)(2) of section 4729.96 of the Revised Code.

(2) Violated any state or federal law or rule regardless of the jurisdiction in which the acts were committed, except for minor traffic violations such as parking violations, speeding tickets and violations such as failure to obey a red light, failure to use a turn signal or expired registration.

(3) Has been disciplined by the state board of pharmacy pursuant to section 4729.96 of the Revised Code.

(4) Has been the subject of any of the following by the drug enforcement administration or licensing agency of any state or jurisdiction:

(a) A disciplinary action that resulted in the suspension, probation, surrender or revocation of the person's license or registration.

(b) A disciplinary action that was based, in whole or in part, on the person's inappropriate prescribing, dispensing, diverting, administering, storing, securing, personally furnishing, compounding, supplying or selling a controlled substance or other dangerous drug.

(5) Has been subject to any of the following:

(a) A finding by a court of the person's eligibility for intervention in lieu of conviction; or

(b) A finding by a court of the person's eligibility for treatment or intervention in lieu of conviction in another jurisdiction.

~~(3) Convicted of, plead guilty to, is subject to a judicial finding of eligibility for intervention in lieu of conviction in this state under section 2951.041 of the Revised Code or the equivalent thereof in another jurisdiction.~~

(**4** 6) Has been granted entry into a diversion program, deferred prosecution program, or the equivalent thereof.

(7) Committed an act involving moral turpitude that constitutes a misdemeanor or felony in this state, regardless of the jurisdiction in which the act was committed.

(8) Cannot conduct authorized activities according to acceptable and prevailing standards of care by reason of mental illness or physical illness, including, but not limited to, physical deterioration that adversely affects cognitive, motor, or perceptive skills.

(9) Engaged in dishonesty or unprofessional conduct.

~~(5) Committed acts that constitute moral turpitude as defined in section 4776.10 of the Revised Code or gross immorality.~~

~~(6) Committed acts of moral turpitude.~~

~~(7) Engaging in dishonesty.~~

~~Dishonesty includes, but is not limited to, making any statement intended to deceive, misrepresent or mislead anyone, or be a party to or an accessory to any fraudulent or deceitful practice or transaction in a licensed location or in the operation or conduct of a licensed location.~~

~~(8) Engaging in unprofessional conduct.~~

~~Unprofessional conduct means conduct unbecoming of a licensee or registrant that is detrimental to the best interests of the public, including conduct that endangers the health, safety or welfare of a patient or client. Such conduct shall be in connection with the duties performed by a licensee or registrant and shall include, but not be limited to, the following acts: coercion, intimidation, harassment, sexual advances, improper use of private health information, threats, degradation of character, indecent or obscene conduct, and theft.~~

~~(9) Has been disciplined by any professional licensing board or agency or has surrendered a professional license with discipline pending.~~

~~(10) Violated any restrictions placed by the state board of pharmacy on a registration or violated any terms of a board order issued against the registrant.~~

4729:3-4-02 Duty to report.

(A) As used in this rule:

(1) "Error in dispensing" or "prescription error" means an act or omission of clinical significance relating to the dispensing of a drug. An error in dispensing is considered a violation of division (A)(2) of section 3715.52 and section 3715.64 of the Revised Code.

(B) Pursuant to section 4729.10 of the Revised Code, a pharmacy technician trainee, registered pharmacy technician or certified pharmacy technician who has knowledge, from direct observation or objective evidence, of violations described in paragraph (C) of this rule shall report such conduct to the board.

(C) The following shall be reported to the board:

(1) Except as provided in paragraph (C)(1)(a) of this rule, conduct indicating an individual licensed or registered by the board is addicted to or is suspected to be abusing alcohol, drugs or other chemical substances or impaired physically or mentally to such a degree as to render the individual unfit to carry out their professional duties.

(a) A registrant shall not be required to report in accordance with this rule ~~Reporting pursuant to this rule is prohibited~~ if the ~~reporting~~ ~~party~~ registrant becomes aware of any condition described in paragraph (C)(1) of this rule as a result of either:

(i) The ~~reporting party's~~ registrant's treatment of the individual for the condition; or

(ii) The ~~reporting party~~ registrant's having access to the individual's protected health information.

(2) Except as provided in paragraph (H) of this rule, violations, attempts to violate or aid and abet in the violation of any of the provisions of Chapters 4729., 3715., 3719., 2925. and 2913. of the Revised Code, or any rule adopted by the board under those provisions by an individual licensed or registered by the board.

(3) Conduct by a pharmacy technician trainee, registered pharmacy technician, certified pharmacy technician, pharmacy intern or pharmacist that constitutes unprofessional conduct or dishonesty as defined in rule 4729:3-4-01 of the Administrative Code.

(D)

(1) Pursuant to section 4729.23 of the Revised Code, the identity of the registrant making a report ~~under paragraph (B) of~~ in accordance with this rule shall remain confidential.

(2) ~~The registrant making a report may be required to testify in a disciplinary proceeding without disclosing the registrant reported the violation(s) in accordance with this rule.~~

Notwithstanding the confidentiality provided in accordance with paragraph (D)(1) of this rule, a registrant may be required to testify in a disciplinary proceeding as to the conduct or violations listed in paragraph (C) of this rule without disclosing they were the reporting individual.

(E) Reporting required in accordance with this rule shall be made in writing, either by mail or using the board's online complaint form (available on the board's web site: www.pharmacy.ohio.gov), or by telephone and shall include the following information:

(1) The name of the licensee or registrant or other individual ~~in violation~~ who may have committed a violation listed in paragraph (C) of this rule;

(2) The violation which is believed to have occurred; and

(3) The date(s) of and place(s) of occurrence(s), if known.

(F) An individual registered pursuant to this division shall notify the board of any of the following:

(1) Any criminal conviction within ten days after the date of conviction, except for minor traffic violations such as parking violations, speeding tickets and violations such as failure to obey a red light and failure to use a turn signal or expired registration.

(2) The registrant is convicted of, plead guilty to, is subject to a judicial finding of eligibility for intervention in lieu of conviction in this state under section 2951.041 of the Revised Code or the equivalent thereof in another jurisdiction within ten days after the individual is deemed eligible.

(3) The registrant is granted entry into a diversion program, deferred prosecution program, or the equivalent thereof within ten days after the individual is granted entry into a program.

(4) Any arrest for a felony within ten days after the arrest.

(5) For a certified pharmacy technician, failure to maintain a current pharmacy technician certification from an organization that has been recognized by the board.

(G) An individual registered pursuant to this division shall notify the board of any disciplinary licensing or registration action taken by another state against the registrant within ten days of the notice of action. This includes, but is not limited to, a disciplinary action that is stayed pending appeal.

(H) ~~A violation of division (A)(2) of section 3715.52 and section 3715.64 of the Revised Code is not required to be reported pursuant to paragraph (B)(2) of this rule.~~ An error in dispensing shall not be required to be reported pursuant to paragraph (C) of this rule.

(I) Pursuant to section 4729.10 of the Revised Code, in the absence of fraud or bad faith, a person who reports in accordance with paragraph (B) of this rule or testifies in any adjudication conducted under Chapter 119. of the Revised Code is not liable to any person for damages in a civil action as a result of the report or testimony.