ACTION: Original

DATE: 04/27/2021 4:40 PM

Ohio | Common Sense Initiative

Mike DeWine, Governor
Jon Husted, Lt. Governor

Carrie Kuruc, Director

MEMORANDUM

TO: Alexandra Simon, State of Ohio Board of Pharmacy

FROM: Ethan Wittkorn, Regulatory Policy Advocate

DATE: **April 2, 2021**

RE: **CSI Review – Pharmacy Technicians (OAC 4729:3-1-01, 4729:3-2-01, 4729:3-2-02, 4729:3-2-03, 4729:3-2-04, 4729:3-2-05, 4729:3-2-06, 4729:3-2-07, 4729:3-3-01, 4729:3-3-02, 4729:3-3-03, 4729:3-3-04, 4729:3-5-01, 4729:3-5-02, 4729:3-5-03, 4729:5-5-25, and 4729:5-9-02.15)**

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 seven amended, six no change, and four new rules. It was submitted to the CSI Office on November 16, 2020, and the public comment period was open through December 1, 2020. Unless otherwise noted below, this recommendation reflects the version of the proposed rules filed with the CSI Office on November 16, 2020.

This rule package outlines registration, training, scope of practice, and continuing education for pharmacy technicians. Amendments are proposed to expand acceptable documentation to comply with educational and training requirements, add language for reciprocity, double the length of time fingerprint impressions are valid, and expand allowable activities of a pharmacy technician to include remote order and data entry. New rules have been proposed to outline a process to verify a pharmacy technician's certification for employment and to establish remote prescription entry processes.

During the period of early stakeholder outreach, the Board shared the rules with their rule review committee, comprised of pharmacists with a range of practice backgrounds. Additionally, the rules were reviewed by the Board. During this period, the Board made updates based on the committee's recommendations to prove language proficiency, adding current licensure in another state as proof of competency, and removing audio-visual requirements for remote processing. Several comments were received during the CSI public comment period, including some that led to updates to remove overly restrictive requirements of technicians residing in other states.

Registered pharmacy technicians, certified pharmacy technicians, pharmacy technician trainees, pharmacists, and terminal distributors of dangerous drugs may be affected by the proposed rules. Potential adverse impacts include administrative discipline such as denial of a license, license suspension or revocation, reprimand, coursework, or fines for a violation of the rules. Fees include $25 for pharmacy technician trainee registration, $50 for a certified pharmacy technician, $50 renewal fee every two years, and $46 for a criminal records check. Additional costs are associated with requirements to be nationally certified, which can range from $115-$129. Further impacts include meeting educational standards for certification, administrative costs for the submission of necessary information, meeting continuing education requirements, costs to employers to verify an employee's registration and certification status, and administrative costs for training to ensure compliance with the rules. Lastly, licensure costs $320 every two years for out-of-state pharmacies conducting remote entry to be licensed as a terminal distributor of dangerous drugs. The proposed rules help to promote public safety by establishing uniform standards for licensure and training of pharmacy technicians in Ohio.

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.