Common Sense Initiative

Mike DeWine, *Governor* Jim Tressel, *Lt. Governor*

MEMORANDUM

TO: Summer Reyburn, Ohio Board of Pharmacy

FROM: Michael Bender, Business Advocate

DATE: May 13, 2026

RE: **CSI Review – FYR Pharmacy Technicians (OAC 4729:3-3-01 and 4729:3-5-01)**

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 rule package consists of two amended rules proposed by the Ohio Board of Pharmacy (Board) as part of the statutory five-year review process. This rule package was submitted to the CSI Office on January 12, 2026, and the public comment period was held open through February 10, 2026. Unless otherwise noted below, this recommendation reflects the version of the proposed rules filed with the CSI Office on January 12, 2026.

Ohio Administrative Code (OAC) 4729:3-3-01 specifies the activities in which pharmacy technician trainees are allowed to engage under the direct supervision of a pharmacist. The rule is amended to allow pharmacy technician trainees to stock automated drug storage systems, floor stock, and crash carts under certain conditions. OAC 4729:3-5-01 contains definitions for terms that pertain to pharmacy technician continuing education. The rule is amended to update language and citations.

During early stakeholder outreach, the rules were reviewed by the Board's Rules Review Committee (Committee), which is comprised of pharmacists and pharmacy technicians from various practice

settings. The Board did not receive any suggestions from the Committee, so it made no further changes to the rules. During the CSI public comment period, the Board received one comment from an individual affiliated with Grant Medical Center. The commenter requested that the Board allow pharmacy technicians to serve as a witness to the disposal of controlled substances, believing that federal Drug Enforcement Administration regulations did not restrict technicians from partaking in the Form 41 process which relates to such actions. The Board replied that OAC 4729:5-5-24 and 4729:5-9-02 permit a pharmacist and any other registered healthcare professional to conduct and witness the disposal of controlled substances. Because technicians from all registration levels are considered registered healthcare professionals, the Board determined that pharmacy technicians are already allowed to take part in these activities. Consequently, the Board made no further changes to the rules.

The business community impacted by the rules include registered pharmacy technicians, certified pharmacy technicians, pharmacy technician trainees, and pharmacists. The adverse impacts created by the rules include limitations on the activities that pharmacy technician trainees are allowed to perform and restrictions on the number of pharmacy technician trainees that a pharmacist is permitted to supervise. Pharmacists may not supervise more than three pharmacy technician trainees at any time unless otherwise approved by the Board, so a pharmacy may incur additional costs to ensure that another pharmacist is on-site to provide supervision if it has more than three pharmacy technician trainees. Generally, violation of the rules may result in administrative discipline for a Board licensee, which can include reprimand, monetary fine, or denial, suspension, or revocation of a license. The Board points out that the rule revisions reduce the overall burden of the adverse impacts, namely by allowing pharmacy technician trainees to stock automated drug storage systems, floor stock, and crash carts under certain conditions The Board states that the adverse impacts to business are justified to implement Ohio law as well as protect and promote public safety.

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.