



Common Sense Initiative

Mike DeWine, Governor
Jon Husted, Lt. Governor

Joseph Baker, Director

MEMORANDUM

TO: Summer Corson, State of Ohio Board of Pharmacy

FROM: Jacob Ritzenthaler, Business Advocate

DATE: March 7, 2024

RE: CSI Review – Five Year Review Rules 2024 (OAC 3796:6-3-10, 4729-4-01, 4729-4-02, 4729-7-01, 4729:1-3-05, 4729:2-3-01, 4729:2-3-02, and 4729:8-5-01)

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This rule package consists of four amended rules, two no-change rules, two rescinded rules, and one new rule proposed by the State of Ohio Board of Pharmacy (Board) as part of the statutory five-year review process. This rule package was submitted to the CSI Office on February 13, 2024, and the public comment period was held open through February 29, 2024. Unless otherwise noted below, this recommendation reflects the version of the proposed rules filed with the CSI Office on February 13, 2024.

Ohio Administrative Code (OAC) 4729-4-01 lists definitions relevant to confidential personal information and is amended to update language. OAC 4729-4-02 provides the processes for accessing confidential information and is amended to update referenced dates and to clarify the rule language. OAC 4729-7-01 establishes the severability of the Board's rules and is proposed without changes. OAC 4729:1-3-05 allows a pharmacist to fit and measure individuals for therapeutic diabetic shoes and is proposed without changes. OAC 4729:2-3-01 establishes the professional functions that may be performed by a pharmacy intern while under the direct supervision of a pharmacist, including the sale of Schedule V controlled substances, drug compounding, patient counseling, and others. The rule is amended to replace naloxone with the term "overdose reversal

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drug.” OAC 4729:2-3-02 allows pharmacy interns to fit and measure individuals for therapeutic diabetic shoes and is amended to update rule language. OAC 3796:6-3-10 currently establishes responsibilities for medical marijuana dispensaries to report into the prescription monitoring program and is proposed for rescission. OAC 4729:8-5-01 is a new rule that adopts the reporting requirements previously found in OAC 3796:6-3-10, including the information required for reports, the process for filing zero reports, transmitting information confidentially, and correcting data omissions or mistakes.

During early stakeholder outreach, the Board sent the proposed rules to all Board licensees and registrants. No comments were received during that time or during the CSI public comment period.

The business community impacted by the rules includes pharmacists, pharmacy interns, and medical marijuana dispensaries. The adverse impacts created by the rules include requirements for dispensaries to submit reports and for pharmacists and pharmacy interns to comply with practice standards. The Board states that the adverse impacts created by the rules are necessary to establish uniform standards for pharmacy practice and the distribution of drugs.

Conclusion

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