



# Common Sense Initiative

Mike DeWine, *Governor*  
Jon Husted, *Lt. Governor*

Joseph Baker, *Director*

## MEMORANDUM

**TO:** Bella Blankenship, State of Ohio Board of Pharmacy

**FROM:** Michael Bender, Business Advocate

**DATE:** December 2, 2024

**RE:** **CSI Review – Immunization by Pharmacy Personnel (OAC 4729:1-3-02, 4729:2-3-03, and 4729:3-3-06)**

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 three amended rules proposed by the State of Ohio Board of Pharmacy (Board). This rule package was submitted to the CSI Office on October 23, 2024, and the public comment period was held open through November 8, 2024. Unless otherwise noted below, this recommendation reflects the version of the proposed rules filed with the CSI Office on October 23, 2024.

Ohio Administrative Code (OAC) 4729:1-3-02, 4729:2-3-03, and 4729:3-3-06 provide for immunization administration by pharmacists, pharmacy interns, and pharmacy technicians. The rules are amended to update language and effective dates, incorporate the supervision of pharmacy technicians by pharmacists, allow the administration of immunizations to patients age five and older, consider the basic life-support (BLS) training program offered by the American Safety and Health Institute (ASHI) as a Board-approved program, and require pharmacists, pharmacy interns, and pharmacy technicians to inform the parent/guardian of a vaccine patient under the age of eighteen about the importance of well-child visits.

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During early stakeholder outreach, the Board distributed the proposed rules for public comment. The Board received feedback expressing concern about the ability of pharmacists, pharmacy interns, and pharmacy technicians to administer immunizations and provide information to caregivers on the importance of well-child visits. This input did not affect the draft rules, however, as the Board explained that the changes were required by Senate Bill 144 of the 135<sup>th</sup> General Assembly. During the CSI public comment period, the Board received a joint set of comments from the Ohio Council of Retail Merchants (OCRM) and the National Association of Chain Drug Stores (NACDS) in support of the proposed rules. The OCRM and the NACDS explained that the revisions would promote community health by improving access to vaccines. Furthermore, the commenters said that the rules would allow pharmacies to optimize staff duties to create business efficiencies that will bolster the workforce and better serve the public. The Board made a couple of technical corrections to the rules, including the removal of a duplicative provision.

The business community impacted by the rules includes pharmacies, pharmacists, pharmacy interns, and pharmacy technicians who engage in the administration of immunizations. The adverse impacts created by the rules include following the standards of care for administering immunizations, maintaining a physician-established protocol for immunizations, completing a training course in the administration of immunizations, completing a BLS training course, and receiving proper supervision. Courses in the administration of immunizations must be five hours at minimum for pharmacists and pharmacy interns and six hours at minimum for pharmacy technicians. Pharmacy interns and technicians may only administer immunizations under the direct supervision of a pharmacist. According to the Board, the requirement for immunizers to inform caregivers of the importance of well-child visits may marginally increase the amount of time spent with each patient and result in additional administrative costs, though this is not expected to significantly impact pharmacy operations. The changes to the rules also allow immunizations to be administered to individuals who are at least five years old, down from the previous minimum age of seven. In addition, the Board now recognizes the BLS certification program offered by the ASHI. The Board states that the adverse impacts to business are justified to implement statutory requirements and protect the public's health by ensuring uniform administration of immunizations.

### **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.