

## Mandatory Rest Break Comments

Commenter Type (select one)		Please submit your comments on the proposed rule. (NOTE: Rule comments are public record and respondents who wish to remain anonymous should avoid providing any identifying information).	Stance (Support, oppose, feedback only, needs clarification)
Response	Other (please specify)	Open-Ended Response	
Pharmacist		<p>The usage of the word "mandatory" does not seem to be the case when you look at the wording in the proposal. Mandatory means must versus merely a suggestion or a "voluntary" action. By saying a person may choose to take a 30 min uninterrupted break gives these companies that leeway to say it is offered but simply not taken voluntarily by the employee. What the board needs to do is come down hard with a black and white rule of, you will take a 30 min break and it will be uninterrupted. Week days with overlap is very doable but weekend shifts with no overlap AND staying open makes this break impossible to be uninterrupted. These words are falling on deaf ears as leadership states we are already in compliance with this ruling and if a pharmacist chooses to not take the break, that is their choice. Not closing when there is no overlap makes this impossible to be in compliance with and I fail to see what purpose this rule in reality is going to achieve other than making the board look like it's trying without really trying. Ultimately the real reason for stress and labor constraints is the greed of the big corporations and poor reimbursement from PBMs. I find it hard to justify the fact that Chick Fila or Starbucks has more employees working at any given point because their profit margins are significantly higher than that of a pharmacy that handles your life or death medications! I get that you can't make a company actually care about their employee but we can certainly do a lot more to hold them accountable so that they aren't driving them into the ground and grinding them to dust. This rule must be firm and clear cut to protect the pharmacy personnel and therefore the general public!</p>	Support, needs clarification

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Pharmacy Technician		I strongly support the proposed rule, with the following in mind: Section A should state that the break should be paid to avoid businesses from scheduling their staff longer hours to compensate for the new rule. Section C is unfair to pharmacists who must assume responsibility for actions they cannot see while on break. They must get their full break without being a supervisor during, or else it isn't a break for them. Section F should be clarified that a pharmacist can work more should they chose to do so. Some pharmacy staff choose to work three 13 hour shifts instead of three twelve hour shifts and an additional 4 hour shift.	Support, needs clarification
Pharmacist		I agree with the rule. But please put a definition for emergency situations that will require corporate to mKe the Rph works more than 12hours. Because they can consider anything an emergency situation.	Support, needs clarification

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Pharmacist		<p>I totally support a 30 minute meal break for any pharmacists on duty longer than 6 hours, all technicians, and pharmacy interns. However it must be enforced except for emergency situations. Many of the chains are now closing the pharmacy for one half hour mealbreaks during the day such as 1:30pm-2pm and the gates are closed and all personnel including the techs go to the break room for the meal break ( so they are not staying in the pharmacy during these breaks). That is a good thing. However, how do you ensure the closing pharmacist who comes to work at 2pm and works to 9pm gets a meal break too ? They are working a minimum of 7 hours if they close at 9pm. They can't close the pharmacy a second time, so that pharmacist tends to eat on the fly which is no break at all. The pharmacy techs remaining in the pharmacy can continue to fill prescriptions but they will need to tell customers at the counter that for new prescriptions, vaccines etc, that there will be one half hour wait until the script is ready because the pharmacist is on a meal break. No new script can be dispensed without the pharmacist on duty completing the verification of the script prior to dispensing. They should not have to stop eating their lunch to check a script because the patient does not want to wait. I can only imagine there will be plenty of irate customers that will scream at the managers and the personnel. So many customers these days think the world revolves around them and are overly demanding. How will you ensure that the BOP will back these pharmacists up? How do you ensure that an overnight pharmacist in a chain pharmacy gets a lunch break when they don't have techs during the night? You will have to enforce that the pharmacy can close the gates and drive thru for one half hour during the pharmacist lunch break in the middle of the night. The other issue with the lunch breaks is many times the phones do not shut off during the meal break. They keep ringing and the customers do not know, or the doctor calling in a script does not know a pharmacist is on meal break. These pharmacies, mostly the chains, have to revamp software so that they have a call center answering calls during the lunch break or the phones shut off and a message is verbalized to the customer that the pharmacy is closed for one half hour for a</p>	Support, needs clarification
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		<p>meal break. The BOP also has to ensure that the pharmacists and staff are not penalized for any promised times not met ( data review/fill/or product verified by a certain time) during that lunch break and for a certain time afterwards. Most of these systems currently do not reset or push back "verify by promise time" based on how many scripts are in a queue during a meal break. Many times pharmacists work thru their lunch break because they are so far behind once they return from the lunch break and it is very stressful to have 10 people standing at your counter when you only have one pharmacist and one tech. By then the queue shows many scripts past due for promise times... unless you are going to start counting promised times as a quota which is no longer permitted. The whole point with all of this is that chains want to only measure specific quantifiable task productivity but they have no way of measuring every task that happens through out a work day that can't be counted, such as how much time is spent counseling, answering questions at the counter or on the phone, doing DUR on a vaccine or prescription, pharmacists researching clinical information for a patient or other trouble shooting such as insurance problems etc. These tasks are not quantifiable. We can't control for the distractions in our work flow or predict what other problems we will encounter or the million times the phones are ringing off the hook without not enough staff to answer them. Many times the customers only want to know if their script is ready but do not take the time to use the pharmacy's digital technology, such as text messaging, emails, website or apps. We don't have time for these calls that could easily be solved if the patient used the digital technology. Chains do not account for the time for techs to check in a wholesale order or to complete other ancillary administrative tasks. I think it is imperative that the BOP needs to come up with minimum amount of technician support hours scheduled for community pharmacies based on script volume and other minimal tasks. Hospital or closed door pharmacies can be excluded because they can manage and control their work tasks easier. They don't suddenly have 10 people at the counter or drive thru which they are not prepared for. Pharmacists need to be able to focus on patient</p>	
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		<p>counseling, researching clinical issues such as drug interactions, helping patients manage side effects or adherence issues- the things we went to school for. We are not robots. We need to have time to use our brains to solve problems. Example- I have had several instances of patients coming to the counter without an appt, with their glucose meter and want the pharmacist to teach them how to use it or trouble shoot their issue. Their doctor's office didn't teach them how to test their blood sugar or use the monitor, and it takes a lot of time for a pharmacist to spend a sufficient time to teach these skills. Yet these patients have no one else to ask other than their pharmacist. We would love to spend the half hour to show them how to use their meters, but most of the time.. we don't have that amount of time or a way to account for it. This time period needs to be reimbursable by either the patient or the insurance company. How do we account for that time and get paid for that time? That is the crux of the problem. We went to pharmacy school to utilize our brains and problem solving skills to resolve patient issues, yet chains want to totally make their work flow and scheduling decisions based on tasks ( which are determined by non pharmacists most of the time). This is where the safety issues arise. I totally agree that the meal breaks are imperative and will help but will not solve the entire workflow environment problem by themselves. Pharmacists still feel like they don't even have time to go the bathroom because customers will complain, and the supervisors will penalize the pharmacy staff and not back them up when customers complain. I also wanted to make one comment concerning pharmacists being afraid to complain to the BOP if corporate supervisors do not follow the rules especially with the new rule in regard to metrics or quotas. All complaints by pharmacists or techs to the BOP need to remain anonymous. Although you stipulated in the rules that pharmacists or techs can not be fired or demoted, have hours or benefits reduced or other forms of retaliation, most large chains have many other nefarious nontransparent ways of getting rid of a pharmacist that they may think complained to the BOP or otherwise are deemed as negative complainers, or "not cooperating with their metric directives". These</p>	
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		retaliatory tactics are hard to prove unless the person has a good lawyer or a good HR team that will back up the employee. I would suggest the BOP would follow up on a complaint by telling the corporation that all complaints from customers or staff are anonymous and no specific information should be shared with the chain ( such as time of day when the infraction took place) so they can not figure out who was working during that date and time.	
Pharmacy Technician		That's a great rule to have but how will it be enforced? Will the state board be tracking pharmacists breaks?	Support, needs clarification

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Pharmacist		<p>I support giving pharmacy staff breaks, but I am not in favor of allowing the pharmacy to be open when the pharmacist is not present. A pharmacist needs to be in full and actual charge of a pharmacy. The allowances spelled out in paragraph (B) takes that provision away. If this is allowed for 30 minute breaks then why should it not be allowed all the time and not just for breaks. Meaning then why do we need a pharmacist to perform these functions ever. I do not believe this is a safe way to practice pharmacy and opens the door wide open for it to be considered in all practices of pharmacy, which I do not think is the direction the Pharmacy community and Board wants to see the pharmacy practice go. I strongly believe you are trying to make to many accommodations for breaks that are not needed. Finally, with so many staff turnovers in pharmacies (especially technicians) we are seeing a lot more drug losses and thefts and without pharmacist direct supervision these will only increase. Pharmacist presence is added security that is needed. Therefore, I STRONGLY recommend you remove the provisions in paragraphs (B) and (C), but keep the provisions that allow for mandatory breaks and the pharmacy completely closes during the break periods. Pharmacists just want to have meal breaks and be able to close the pharmacy during them, period! Thank you.</p>	Support, feedback included
Pharmacist		<p>There is definitely a need for a lunch break when pharmacists work more than 8 hours. However the pharmacy must close during this time or the break will be counterproductive (due to customer and pharmacist "</p>	Support, feedback included
Pharmacist		<p>The break is too short. It should be increased to a hour, because with no minimum staffing requirement in the pharmacy I feel too overwhelmed, stressed, and tired and much more likely to make a dangerous mistake. When I bring these issues to my employer they continously show that they don't care. It is clear that CVS pharmacy does not care about the safety of their patients or employees.</p>	Support, feedback included

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Pharmacist		Pharmacy technicians (and interns, clerks, etc) working 6+ hour shifts often already receive breaks, but formally guaranteeing this on a statewide basis is an excellent idea. Pharmacists, however, rarely receive any sort of formal break unless the pharmacy closes for the duration, and often work shifts of 10-14 hours with only minimal informal breaks. As well-intentioned as the writers may be, I don't know how smoothly the implementation will proceed if the pharmacy does not close for the pharmacist's lunch break; what a pharmacy patient or store customer may consider an "emergency" worth interrupting the pharmacist's lunch for may often not, in fact, be time sensitive or even require pharmacist input.	Support, feedback included
Pharmacist		Overall it is good, but 6 hours is not sufficient off time between shifts. It needs to be at least ten hours.	Support, feedback included
Pharmacist		Please make sure this extends to those working the graveyard shift in hospitals. This is not being done by one of the health systems in Dayton.	Support, feedback included
Pharmacist		Pharmacist definitely need break for safety of the patients and the pharmacists on duty. Pharmacists should not work more than 8 hours. If it necessary, pharmacists should be compensated by OT.	Support, feedback included
Pharmacist		This is a great start and hope these policies get adopted throughout Ohio. The 12 hour shift is still too long, I propose it be reduced to 10 hours max. It is extremely difficult to maintain professional judgment in the later hours. Most importantly, I think the 6 hours in between shifts is unreasonable. With about 1 hour travel time to/from work and 1 hour of personal time for grooming etc., this policy only allows 4 hours of actual rest. The minimum interval between shifts should be 12 hours as well, so that pharmacists have an opportunity to both rest and complete other personal tasks during their time off.	Support, feedback included



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Pharmacist		I believe the lunch break has been way overdue and appreciate the mandatory implementation the board is proposing. I also believe that a 12 hour workday is the limit a pharmacist should work. I am sure various companies are trying to force pharmacists to work over hours to clean up left over scripts during this continued rush over the past fe years. This would negate their ability to do this. Thank you.	Support, feedback included
Pharmacist		This is a decent proposition in theory, but the corporate companies are not going to stand for something that has potential to lose them money. They will cut pharmacist hours, cut jobs, cut store operating hours, or find some other cuts to make to account for the loss, which will ultimately make our jobs more difficult. There is no right answer when "corporate" is in charge.	Support, feedback included
Pharmacist		I like these ideas - some comments: 1. I do like working 13 hour shifts and having more days off, the other pharmacists and I at my store have agreed to this- so hopefully since we aren't being forced to do it, it's not difficult for us to continue doing so. 2. Our policy requires 15 minute breaks for technicians. Would be nice to have 2x15 minute breaks required as well, even if we can't leave the pharmacy or anything, just time to rest and sit down to help reduce risk of errors for patient safety. I believe a friend in California told me this is required there, as well as any time over 8 hours in a shift is automatic time and a half. Would be nice! 30 minutes for a 13 hour shift (or 11-12 hours) just isn't enough. 3. Our signage currently says "pharmacy closes for lunch 1:30-2PM when only 1 pharmacist is on duty." Of course everyone gets in line at 1:28PM. Would be nice for signage to be required to say something more like "between 1 and 2PM, the pharmacy will close for 30 minutes for lunch" 4. Require pharmacies to let staff sit down instead of requiring a doctor's note. Working for 12 hours and not being allowed to sit if we're simply at a computer is ridiculous, unnecessary, and inhumane. It further exhausts the staff which increases the risk of errors which could negatively impact patient safety.	Support, feedback included

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Pharmacist		<p>The proposed rule may be difficult for staffing coverage in an acute care 24/7 operation. The rule states 30-minute uninterrupted break during a 6 continuous hour work period. For a small hospital such as ours we have 1 pharmacist &amp; 1 technician cover overnight without any backup for 7 hours. There would be no way to allow an uninterrupted break in this setting that would not compromise patient care, since there are frequent, random urgent orders that would need responded to. For that 30 minute period attention to processing an urgent order would still be required. If an urgent IV was needed, it would also require the technician to jump in to assist. Although I'm very much in agreement with the rule, there needs to be language to address staff working in this situation.</p>	Support, feedback included
Pharmacist		<p>Mandatory breaks are a great concept but it seems to only make it worse when come back from break. Not sure how that issue can be fixed.</p>	Support, feedback included
Pharmacist		<p>I think that mandatory rest periods are a great idea. Also capping daily hours to a max of 12 is also good. 13 and 14 hour shifts are dangerous, just like when I have worked 70 hours in a given week. There should be a limit set on hours worked in a week and days in a row worked</p>	Support, feedback included

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Pharmacist		<p>I think it's a step in the right direction. Working 14 hours with no defined break is a recipe for disaster that only supports corporate greed and does not benefit patients or the staff working. It increases the risk for error that can ultimately cause harm to a patient, and surely contributes to pharmacist burnout. There could be some who prefer to work 14s so there are less weekly shifts, but I am not in retail anymore, so I can't speak to that currently. Working 14 hour shifts I found to be exhausting, and one of the many reasons I vowed to never return to retail. I think it's a step in the right direction to support breaks, though if the pharmacy doesn't close, I worry the pharmacist will inevitably get pulled away. I do like that it says uninterrupted break, but perhaps emergencies need to be a little more stringently defined? To truly rest and rejuvenate, it is important to not have to think about work during break, and truly "unplug." This helps avoid burnout, and reduces the risk of error and thus harm to the patient. More and more pharmacies are doing that, and hopefully that will continue. Ultimately, I think it's a step in the right direction. I wish pharmacies could be required to close for lunch to ensure that the pharmacist truly does get an adequate break. I think these steps the board is taking to protect pharmacy staff and patient safety is important. I think about doctor's offices, and the fact that they are open often 8-5 with an hour for lunch. Pharmacists deserve the same respect for what they do, and it shows respect to protect them from overwork and burnout.</p>	Support, feedback included
Pharmacist		<p>I think these are all great and necessary changes. I would like to propose changing the minimum time between shifts from 6 hours to at least 8 because 6 hours would not give adequate time to prepare for sleep, get sleep, and prepare for the next shift.</p>	Support, feedback included
Pharmacist		<p>Thank you for taking the time to review current working standards for Ohio pharmacists. It is a good start. I would like to see standards put in place on the volume one pharmacist is allowed to check /fill per shift before a second pharmacist is mandated.</p>	Support, feedback included

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Pharmacy Intern		I think it's a good idea. That being said, I have major concerns about Walgreens and CVS finding loopholes around this as I already thought breaks were federally mandatory. They're finding ways to make our metrics matter more than patient care and if we're truly an organization that stands for the safety of our patients, we need to look at how unrealistic metrics make patient care subpar and cause issues.	Support, feedback included
Pharmacist		I think this is a great start but if the pharmacies are not required to close during the 30 minutes I don't think it will be effective. It will still be difficult to actually take a break. I have to give my one tech a break yet I barely get to eat. If we closed for 1/2 hour we could both break at the same time. Seriously! It's 1/2 hour.	Support, feedback included

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Pharmacy Technician		<p>The pandemic made us all realize just how hard we work. We care about our patients, but being short-staffed as the world goes crazy, also taught us that we're human too. Most of us pushed ourselves way too hard and are now dealing with the backlash of that. We are becoming ill quicker and easier from the stress and strain that we are putting out bodies through. Big corporations saw just what we could do when we were put under such stress and now think it should be the new "normal". I've seen fellow techs and pharmacists work 14 hours straight! No break. No food. MAYBE a bit here or there if they can so they don't pass out. NO BATHROOM BREAKS! It's insane to expect any human to do that and it's insane to try to play it off as "normal" when none of the CEOs or the people who work under them are the ones breaking their backs and souls. We need help INSIDE the pharmacy! Not people above us telling us that we don't care about our patients when we are literally putting our own health on the line time and time again to provide for our communities! ALL of us have families and a lot of us have KIDS. We deserve to have energy for outside-of-work activities when we get off work. The mental strain alone has caused so many issues in pharmacy. A lot of us are breaking, we're just good at hiding it. Please consider mandatory breaks, and maximum 10 hour work days. No one should EVER have to work more than 10 hours. How are you supposed to get proper sleep? Cook dinner? Take care of your kids? Function even? Working 12+ hour shifts should be illegal. That's HALF of the day, literally. If you sleep the recommended 8 hours too, what does that leave you with? 4 hours. 4 hours to yourself in which you'll probably shower and try to get something to eat, because we know you didn't eat all day at work. You'll go to sleep early because you're exhausted just to do it again the next day. Where do you fit room for yourself? for your kids? or your partner? where do you find time to go to the gym or do yoga? Where do you even find the energy? Pharmacy personnel are people too! It's time we start getting treated like it!!!!</p>	Support, feedback included
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Other (please specify)	Ohio Society Of Health System Pharmacists	<p>The OSHP would like to express its support for the proposed rule 4729:5-3-22, "Mandatory Rest Breaks" issued by the State of Ohio Board of Pharmacy on December 13, 2022. This rule stipulates that a pharmacist, pharmacist-intern, or pharmacy technician working longer than six continuous hours per day shall be allowed during that time period to take a 30-minute, uninterrupted break. While we concur that the well-being and safety of pharmacy personnel is of paramount importance, and that this rule will promote a healthier and more sustainable work environment for our pharmacists, pharmacist-interns, and pharmacy technicians, particularly during these challenging uncertain times, we would like to raise a concern with respect to a specific provision of the rule. Specifically, we have a reservation about the provision that allows for the dispensing of new prescriptions that require counseling without a pharmacist being present. Given the high level of misinformation and disinformation that is prevalent in today's society, and the reduction of pharmacist services to an optional feature, we believe it is imperative for pharmacists to be physically present for counseling and communication with patients. As the most accessible profession in healthcare, we believe it is our duty to directly provide counseling and communication with patients, especially those with chronic illnesses. These services may be provided in-person, or if needed, virtually. We believe that prioritizing the availability of counseling services, whether in-person or virtual, will allow pharmacies to develop innovative solutions that keep the continuity of care and patient safety provisions intact, all while ensuring the well-being of pharmacy personnel. The intimate knowledge that pharmacists possess about their patients is irreplaceable and cannot be replicated through a call center. Additionally, we recognize that there is a racial disparity in access to medical services, and it is imperative that all patients have access to the expertise and knowledge of pharmacists, particularly those who may be disproportionately affected by this disparity. Therefore, we respectfully urge the State of Ohio Board of Pharmacy to consider our concerns and to ensure that the provision for dispensing new prescriptions that require counseling without a pharmacist being present is carefully</p>	Support, feedback included
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		<p>evaluated and implemented in a way that prioritizes the safety and well-being of patients, particularly in light of the post pandemic environment and the racial disparities which we have seen exacerbated in access to medical services.</p>	
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Pharmacist		<p>I am a clinical pharmacist and PGY2 Residency Program Director at an inpatient hospital site that also has 4 PGY1 pharmacy practice residents. Our inpatient pharmacy is staffed 24/7. I appreciate the intent of proposed rule 4729:5-3-22 to protect pharmacist well-being and patient safety. However, I recommend that language is added that exempts accredited residency programs. Residency is designed to be a rigorous training program involving more than full-time work for a year to provide concentrated experience and training. We closely monitor our residents' well-being and safety as a part of their training program. Our accrediting body, ASHP, is highly concerned with resident wellness and requires that duty hours are monitored to protect resident well-being and patient safety. Under the duty hour requirements (<a href="https://www.ashp.org/-/media/assets/professional-development/residencies/docs/duty-hour-requirements.pdf">https://www.ashp.org/-/media/assets/professional-development/residencies/docs/duty-hour-requirements.pdf</a>), continuous duty periods are limited to 16 hours (II-D-1), with a minimum of 8 hours between scheduled duty periods (II-C-2). This conflicts with the requirements of paragraph F of proposed rule 4729:5-3-22. As an inpatient residency program, both clinical duties and inpatient staffing are crucial parts of our training. Our residents work 14 hour shifts every other week to enable them to complete clinical rotations in the morning as well as provide staffing support in the afternoon and early evening. Rarely, this extends to 16 hours to allow for a full 8 hour clinical shift in addition to a full 8 hour staffing shift. Not only does this help meet the staffing needs of the department, but provides essential learning experiences to our residents to prepare them for inpatient pharmacy practice. A limit of a 12 hour shift would impede on this experience in a way that is not easily compensated for. ASHP holds us accountable to ensure that our program is not excessively reliant on residents for staffing, and to ensure we are not compromising resident fitness for duty or patient safety as we train our residents. Because of this oversight into resident pharmacist well-being and safety, I recommend that accredited residency programs are exempt from proposed rule 4729:5-3-22.</p>	Support, feedback included
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Pharmacy Technician		Being that this is all good I don't really have a complaint. May I suggest though, the pharmacies should close for lunch. If not the should have enough pharmacists that the one going to lunch should be able to leave.	Support, feedback included
Pharmacy Technician		I've worked in pharmacy since 2006 and only recently have been able to find a position that makes breaks a priority. I have worked with technicians and pharmacists who were coming from retail (CVS) and hadn't gotten any breaks at those places. I went to pick up my husband's prescription at a retail pharmacy and the drive thru was closed due to staffing issues. I waited in a line that went far back into the aisle, for over 20 minutes only to be told that the Rx's sent in early the day before were not done. There was one technician and one pharmacist, both overwhelmed. I know that they were not going to get a break that day. Pharmacies should close for an hour and the staff should break for lunch, then they should have a 15 minutes buffer to catch up with their workflow, voicemail, returns. Big chain pharmacies are going to keep losing their employees because they understaff, overwork, and underpay their workers. Please survey technicians. We face abuse from customers, pharmacists, and insurance companies.	Support, feedback included

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Pharmacist		<p>Nice proposal. The only thing I believe you should strongly consider is a mandatory closing of all retail pharmacies for a half hour designated time in the state of Ohio. Allowing people to work around the pharmacist is really going to provide little to no break for most pharmacists and/or jeopardize patient safety. They and/or staff will fear break time will put them behind and forces the pharmacist to be semi engaged at very least. I work in a busier pharmacy that typically has two pharmacists, so really does not apply to me... But I fear independents will be fearful of closing or breaking because it will inconvenience their customers and therefore lead them to the little or no break. Closing the pharmacy at the same time in every store also is helpful to the patients that can schedule around close times and make it consistent across the state. A complete shut down for a half hour is much easier to staff the Pharmacy, since most of the staff can go to break at the exact same time. As it is now... You are short a staff member from about 1130 until 3 PM while everyone tries to stagger lunches. I would propose the time of 1:30 to 2PM. This time would hit most pharmacies opening hours mid day, and also not inconvenience people that have normal jobs that will have their lunch break before 1 PM.</p>	Support, feedback included
Pharmacy Intern		<p>I am a strong proponent of this rule. As an intern who has worked in a retail chain pharmacy setting for over a year, I have witnessed many coworkers - techs, interns, and pharmacists - have to work a scheduled day with no time to eat or even use the restroom. The expectations from companies and patients alike have become unrealistic and impossible. The biggest challenge I foresee with this rule is the "uninterrupted 30 minutes." While our pharmacy may close for 30 minutes, every patient IN LINE before our closing time expects service before we close. However, the same patients expect us not to delay our opening by even one minute past the scheduled opening time. This leads to lunch breaks that are 10-20 minutes long at best. This needs to be addressed at some level for those workers in a retail chain setting to get the break they deserve each day.</p>	Support, feedback included

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Pharmacist		We are a small, independent pharmacy and find the need for mandatory breaks or lunches. I have not become an item that I could support. I find the less government interference in the operation of my business the better.	Support ?
Pharmacist		<p>The rules proposed are fair and will help to ensure that pharmacists are working in safer conditions to be able to provide better quality care with lower chances of severe errors/risks to patient's health. I want to applaud and express my gratitude to the Ohio State Board of Pharmacy for taking this initiative head on. I was a retail pharmacist, and I worked 6 days straight every other week, ending that 6th day with a 14 hour shift as the sole pharmacist on duty. I had no lunch breaks and no time to rest. I suffered mentally and physically and I know my patients were at risk. The quotas for MTM cases, immunizations, and making sales pitches for rewards programs took away my time from delivering healthcare. The severely reduced hours of my technician help resulted in me as being the sole staff member in the pharmacy for hours during each day. I was so busy and overwhelmed by volume of scripts/phone calls/patients at the front counter that I could never leave for bathroom breaks or take a lunch. It was the most stressful and degrading experience I've ever had. I have since left retail and would never, ever return, not even for that 75K sign on bonus, but I am commenting today to advocate for my fellow retail pharmacists who are still in the chain stores. They deserve better and this is a step in the right direction. They deserve to be the healthcare practitioner that they signed up to be. Every human should be given a lunchbreak and enough staff so that they can go use the restroom without having an anxiety attack over getting behind on their KPI's. The State Board is doing the right thing here, and in that, protecting the patients. The patients have been suffering long enough and never deserved to have their health and well being put at risk due to corporation's initiatives to boost their bottom lines. Thank you again, OHSBOP, for doing the right thing.</p>	Support

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Pharmacist		This law is long overdue. I do not know any other profession where workers are treated so poorly. No lunch or breaks has contributed to pharmacist burnout and a desire to leave the profession. The most important problem is that it can contribute to medication errors. Our profession is controlled by large corporations who only are concerned about profits and not their employees. It is time for pharmacists to stand up for their rights and profession.	Support
Pharmacy Technician		I agree with the policy	Support
Pharmacist		This rule should be approved. Lack of breaks ultimately increases the risk of medication error and patient harm.	Support
Pharmacist		Pharmacists need lunch breaks just like everyone else that is employed.	Support
Other (please specify)	concerned family member of a pharmacist	I applaud any pharmacy chains who have already taken the voluntary step to allow meal breaks for their employees. The rest, the greedy corporations whose executives no doubt take several breaks per day, yet still allow their pharmacists to work a 12 hour shift with no breaks, should definitely be mandated to allow at least a 30 minute meal break. No human, let alone someone who is making potentially life altering decisions for a patient, should be working without a meal or mental health break for 12 consecutive hours. Pharmacist mental and physical health and patient safety will be better for it if breaks are mandated.	Support
Pharmacist		I have worked for Sam's Club pharmacy for 7 years. They give pharmacists a lunch break everyday. I believe this is extremely important for our profession since it gives us time to rest and take a peaceful lunch. I have worked for competitors that have no breaks and have seen a pharmacist pass out due to not being able to eat, stressed with panic attacks, and multiple pharmacy errors. In my opinion this mandatory break for pharmacists is way over due and should be implemented without question.	Support

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Other (please specify)	Pharmacist RPH. Consultant Emeritus	These rules should have been put into effect long, long time ago. The ditch digger gets a 1 hr. break; even our teachers get several breaks in a 6hour workday. What are we but slaves to our profession. One-half hour is not enough time for all the different things a pharmacist must do.	Support
Pharmacy Technician		I agree on mandatory breaks and rest periods. I only get a 30 minute lunch break.	Support
Pharmacist		Healthcare offices close for lunch breaks. It is mentioned on the greeting or prompts when you call certain offices. This should apply to pharmacies as well. Due to short staffing and an increasing workload, it has been getting more difficult to have timely breaks. Ending quotas was a sufficient start as healthcare should not be metric driven. Patients cannot be sufficiently cared for or attended to if that is the case. They should be able to do their job without hearing every task is being monitored for productivity. Healthcare professionals including pharmacy workers cannot provide the appropriate patient care if they cannot care for themselves first. They should not be burnt out during their shift. This could lead to detrimental and/or fatal errors. Most pharmacies are open at least 8 hours, usually 10 hours at most chains. The hours are extremely convenient to accommodate all shift workers. Pharmacy personnel should not have to be guilited by patients to wait 30 minutes so staff members can sit down and have an uninterrupted lunch. Our well being is just as important. Certain pharmacies have already implemented mandated lunch hours. It is a shame that a pandemic has led corporate policies to change to allow for a basic human right. The Board Of Pharmacy needs to incorporate this into the law. This should not even be considered. It needs to pass.	Support
Pharmacist		great rule,especially for pharmacists,when we never used to get a break before this came in effective.	Support

## Mandatory Rest Break Comments

Pharmacy Technician		I think the proposed 30 minute break for long shifts and the option to close the pharmacy temporarily when pharmacists are on break would be very beneficial for the workflow and well-being of the pharmacy team as a whole. Consistency in break times is reasonable and could potentially make business run more smoothly as well as provide team members with more substantial and restful breaks. This could ultimately improve efficiency, morale, and promote the break up of busy/overwhelming parts of the business day. I think all around the proposed rule would offer beneficial new options for all team members.	Support
Pharmacist		Pharmacists need mandatory breaks and rest periods because it will improve patient safety. If we do not have mandatory breaks, then we do not have a chance during our hectic work day to take a break and there is no one to relieve us from our constant work duties in order to take a break. Working a full day without a break is grueling and without mandatory breaks I fear patient safety will be compromised.	Support
Pharmacist		Support mandatory breaks and rest for pharmacy staff	Support
Pharmacist		I believe this rule is necessary and very overdue. Workplace fatigue and lack of eating led me to leave the retail setting. I just hope that the damage done to retail pharmacy is not permanent as many of my friends and coworkers that were in retail pharmacy have left and vow to never return.	Support
Pharmacy Technician		Breaks are basically non-existent and lunch periods are a luxury. Thankfully our pharmacy closes for a 30 min lunch but it usually ends up being about a 15 min unpaid break after all the patients have cleared the pharmacy and we've been able to shut it down, hoping to not get stopped by a customer on our way to the break room then taking time to heat up or retrieve your food... it's ridiculous. Many staff often work thru lunch and graze on food while working to get caught up because it's the only time it's fairly quiet to be able to focus. Something needs to be done because due to already difficult staffing issues, burnout is a serious concern.	Support

## Mandatory Rest Break Comments

Pharmacist		Thank you for reviewing the feedback. I love it.	Support
Pharmacy Technician		Our pharmacist's do not get a break and most of the time they don't even get a chance to eat or go to the bathroom because they are busy all day long. I think it would be great to give them a mandatory break so that they make sure they get the chance to do so.	Support
Pharmacist		Almost every other profession gets breaks and lunch times that don't require you to multi-task while eating or trying to go to the bathroom. I realize closing a pharmacy for 30 minutes isn't ideal but getting breaks to recharge or take a much needed breather after a particularly challenging day should be the norm. Most days are now riddled with too many shots, too many sick patients and too many days of short staffing or no staff at all. These reasons alone increase the chance for errors especially in 24 hour stores where lunch times and breaks aren't allowed and conveniently an exception for some reason.	Support
Pharmacy Technician		It would be nice to take a break, but breaks are not paid	Support
Pharmacist		I feel that we should have a mandatory break since a lot of us work as the only pharmacist and spend hours being pulled in multiple directions while trying to make sure no mistakes are made.	Support
Pharmacy Technician		I work at a very busy store where there are never enough employees. There are always more prescriptions coming in than we have time to fill. We close the pharmacy for thirty minutes every day, but most of us never take the full break. It's unfortunate that we think we will be more caught up by working through the break because it does not make a huge difference usually. So, being required to take a break would probably help more than hurt a pharmacy.	Support
Pharmacist		As a pharmacist for 26 years, we should have had mandatory breaks a long time ago. Working 13 hour shifts with no break is complete insanity	Support

## Mandatory Rest Break Comments

Pharmacy Technician		The pharmacy should be completely closed for the 30 minutes. Specifically at pharmacies with one pharmacist and no overlap, there is no feasible way for a 30 minute "uninterrupted" break to occur. A break is necessary not only for the safety of the pharmacist but also the patients	Support
Pharmacist		a break is nice, but will only make us a half hour behind and have to work even faster to catch up, decreasing unnecessary pbm mandates and redundant DUR edits would increase filling efficiency more	Support
Pharmacy Technician		Yes. We deserve breaks.	Support
Pharmacy Technician		I believe there should be mandatory rest breaks for pharmacy personnel. We spend most of the day on our feet and it is a safety issue for the public as well as for the health of the pharmacy personnel.	Support
Pharmacy Technician		i personally would like a 30 minute break when working 8 hour shifts because sometimes we get so busy that it gets overwhelming and exhausting and being able to sit and relax for 30 minutes would help to recharge my energy levels	Support
Pharmacist		A 30 minute lunch break would be a great way to "reset" my brain and I think I would function more efficiently. Everyone needs a little while to step away from the chaos of retail pharmacy. This proposition is a game changer for retail pharmacy for sure!	Support
Pharmacy Technician		I strongly agree that this should be mandated. I am lucky to work in a hospital that has breaks built into our schedule. But the retail pharmacies I worked at rarely gave you a break long enough to finish a lunch/pump for a newborn/etc. - or even somewhere out of sight of patients to allow for a proper break.	Support
Pharmacist		Long overdue for the health and safety of both patients and pharmacy personnel.	Support
Pharmacy Intern		It would be beneficial for pharmacy staff to get at least one 30-minute break every 8 hours such that if a staff member is working for more than 8 hours they are entitled to two 30-minute breaks. This will help to reduce fatigue errors	Support



## Mandatory Rest Break Comments

Pharmacist		<p>I think this would be helpful to be required because most pharmacists I know do not get a mandatory break because they're "salary" positions. I've been told personnel have enough "downtime" cumulatively throughout day to consider it a break, but it's far from it. There is rarely "downtime" in any pharmacies anymore. To have a few minutes here or there when you can still get calls and be interrupted is not the same as a dedicated step away from the pharmacy (inpatient or outpatient) for 30 minutes. We need mental breaks that can be so helpful to just reset and ultimately increases patient safety. Our technicians are told to mark that they take a break on the time clock when they have not because the company doesn't want to pay them for 30 minutes if they have "downtime" in their day. If we make breaks mandatory, it will fix these issues and allow us all to reset and come back from a break refreshed which will decrease mistakes and ultimately improve safety.</p>	Support
Pharmacist		<p>As a retail pharmacist for the past 22 years , I am absolutely in favor of the 30 minute rule. Every other professional has the opportunity to eat and give their eyes a rest from the computer screen at some point in the workday. It also should help in the correct processing of prescriptions as low blood sugar is not helpful in catching errors or providing nice customer service to our patients. I have had multiple bladder infections over the years by being so busy and overwhelmed that there was never a good time to visit the restroom but maybe once while on a 10 or 12 hr shift. The 30 minute rule will give any pharmacist a much needed and medically needed break. Very few pharmacies have more then 1 pharmacist on duty during the day , where the partner can take off for a scheduled lunch. This equalizes all the stores. Wonderful idea and about time!</p>	Support
Pharmacy Technician		I think it's an awesome idea	Support

## Mandatory Rest Break Comments

Pharmacy Technician		<p>Mandatory breaks and rest periods should be instituted. The retail pharmacy chain is all about money, all about quotas; how much can you "sell" per day. This goes for drugs and vaccines (especially vaccines). And if the pharmacy chains could get away with it; they'd never let us eat. Luckily we get that. But nonetheless; rest breaks are needed. In a 8 hour period it would never hurt for two 10 minute breaks and a 1/2 hour lunch; split up. I worked for other businesses who (are chain corporate) and they did this! There is not a single reason pharmacy chains cannot allow this. Sadly it will be needed to be made mandatory because pharmacy chains likely won't "just do it"! So I support mandatory rest periods. This additionally helps with strain, fatigue, and other issues. A chance to take a step back and regroup and get going. This I really believe would reduce errors too! As a pharamcy tech; I believe this is definitely needed!</p>	Support
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## Mandatory Rest Break Comments

Pharmacist		<p>Thank you ! It is about time that pharmacists and technicians in Ohio are actually given time to eat their lunches and take their breaks! I have worked in other states that have this in place, and the real challenge is ensuring that break times and lunches free of work are actually enforced. As an example, in CA, there have been tons of class-action labor laws against virtually all of the pharmacy chains for pressuring staff to work when they are on their breaks and on lunch thru retaliation or implicit threat of job loss, etc. (Just Google "class action lawsuits" and "pharmacy breaks" - here is an example of what comes up:  <a href="https://www.lieffcabraser.com/employment/walgreens/">https://www.lieffcabraser.com/employment/walgreens/</a> and <a href="https://lawstreetmedia.com/news/health/parties-in-suit-alleging-walgreens-did-not-provide-breaks-for-pharmacists-seek-approval-settlement/">https://lawstreetmedia.com/news/health/parties-in-suit-alleging-walgreens-did-not-provide-breaks-for-pharmacists-seek-approval-settlement/</a>) Putting breaks and lunches into Ohio pharmacy law is wonderful and a step in the right direction for pharmacist and technician rights as people and employees. Enforcing and auditing pharmacies to ensure that they are creating the time and space (as well as customer expectations) to actually support pharmacy staff in taking these breaks and lunches will be essential, esp. in a time when chain pharmacies especially are running pharmacies with a skeleton crew while also overloading staff with an unrealistically large workload and still continuing to cut technician hours and expect pharmacists and technicians to provide additional services, such as immunizations and blood pressure screenings. If these same pressures continue, then techs and pharmacists will continue to feel squeezed to the point where they feel they do not "have time" to actually take their breaks or lunches as intended. This law, while incredibly important and beneficial, does nothing to change one of the core issues behind pharmacy staff burnout, which is staffing cuts and shortages, and unwillingness by retail chain pharmacies especially to provide the necessary time / financial / staff resources for the pharmacy staff to be able to take breaks and eat lunch uninterrupted while also meeting customer expectations and completing the expected workload. Congratulations on finally heading in the right direction to recognize pharmacists and technicians as humans who are</p>	Support
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## Mandatory Rest Break Comments

		deserving of time to eat lunch and take breaks while working in the pharmacy! This is a step toward recognizing pharmacy worker rights and improving patient safety through avoiding overwork without breaks!	
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## Mandatory Rest Break Comments

Pharmacy Technician		As a pharmacy tech, we can be filling prescriptions, working drive thru, and handling billing for hours at a time, on top of working with customers. I can say from starting this field in the last two years that us techs and especially the pharmacist deserve a mandatory resting period. Not only is this just good practice and humane, but resting has shown to improve productivity in the workplace.	Support
Other (please specify)	Pharmacy tech in training	Everything great	Support
Pharmacy Technician		Mandatory breaks should be required everywhere. A pharmacist should be allowed a break from all the stress. It's not fair what is expected from them without any time to rest.	Support
Pharmacy Technician		We need breaks	Support
Pharmacy Technician		Love the rule	Support
Pharmacist		Mandatory rest periods for Ohio pharmacy personnel has been long a overdue development. Over the years, the Ohio Pharmacy Board Office has turned a blind eye to pharmacist working conditions, and in particular, working conditions that resulted in medical errors that affected patient care. The pharmacist was guilty regardless of the working circumstances. This type of mindset as well as pharmacy practice ethics and the political agenda by the Ohio Pharmacy Board office needs to change. I am encouraged to hear that positive developments are being considered.	Support
Pharmacy Technician		there should definitely be mandatory breaks to avoid burnout. my co-workers and i have been under intense stress and not being able to take our allotted breaks because of high work volume is a contributor to that	Support
Pharmacy Technician		Adopting this new rule will allow pharmacy personnel to establish balance in the workplace. The lasting effect will also help prevent medical errors within the workplace.	Support

## Mandatory Rest Break Comments

Pharmacist		There should be mandatory breaks. The manner the cvs is staffing techs - 1 tech with 1 pharmacist handling drive thru, covid testing, front end register, calls, filling prescriptions and immunizations should be illegal. The 30 minute break is a minut help to try to rest between the on going caos.	Support
Pharmacy Technician		I agree with it	Support
Pharmacy Technician		Mandatory meal breaks are a fantastic idea and I think we should move forward with that	Support
Pharmacist		Mandatory breaks are absolutely necessary as companies have proven they will only allow them when their hand is forced. It does nothing to address the immense staffing needs that are the root of the problem, but it is a step in the right direction.	Support
Pharmacist		I work in retail pharmacy. Lunch and dinner breaks should be provided to pharmacist. Pharmacy should be shut down for 30 minutes for personal to get break	Support
Pharmacy Technician		This law is way overdue and should be implemented within Ambulatory and Inpatient Pharmacies everywhere.	Support
Pharmacist		In the retail setting the working conditions are becoming deplorable. This has been too long for not demanding lunch periods and breaks . Being in 2023 I thought sweat shops wouldn't be tolerated.	Support
Pharmacist		I am in support of this rule to allow mandatory breaks and rest periods for pharmacy personnel. Please adopt this rule. Thank you for making it mandatory.	Support
Pharmacy Technician		Breaks should be mandatory.	Support

## Mandatory Rest Break Comments

Pharmacist		Please continue to push for these mandatory breaks and rest periods. These are much needed. At our company, we mostly work 11 hour shifts by ourselves with technicians- we are lucky to grab a snack here or there and run to the bathroom once. While this speaks to the inconvenience for us as people and employees, there is obviously a much bigger issue. 11 hours with a pharmacist who has not had a break, eaten, walked away from the computer poses a huge safety issue to our patients. A few hours in, fatigue starts to kick in, and eventually alert fatigue hits and it's very easy to miss interactions and other things that we would not miss if we had the chance to have a break. We appreciate the hard work you are doing to push for breaks	Support
Pharmacist		Amen, we are people too needing time to re-energize. About time! I am in favor of the State Board or an organized Union fighting for RPh working conditions. I have very little good to say about chain pharmacies. Cut support help hours and place more demands upon the worn out, stressed out, burnt out pharmacist. Then complain about customer service. We need help now not in the future. Hard to promote pharmacy to young students that will have to endure such working conditions. I could not take it anymore and retired.	Support
Pharmacist		As a registered pharmacist working for a community pharmacy, the proposed rule for mandatory breaks has been long overdue. This rule will be the catalyst for better working conditions, overall morale, and increased efficiency within the pharmacy. I am in full support of the mandatory break.	Support
Pharmacist		Having time in my long day to be able to eat a lunch and not have phones ringing and vaccines to run out and do what be helpful. Stress levels would definitely decrease.	Support
Pharmacist		Mandatory rest and meal breaks are absolutely needed for Pharmacy personnel. Some employers have already implemented this for pharmacy staff and are leading the way for what should become required for all Pharmacy practice settings.	Support

## Mandatory Rest Break Comments

Pharmacy Technician		Thank you - this is a Godsend! I injured my feet previously and after 7 or 8 hours of working, I feel like I can barely stand. I limp and on top of that, the pharmacist barks at me to be more efficient. This would be a positive move by administration towards promoting good health for workers. The only things that are unclear are if the proposed mandatory rest break would be in addition to a lunch break and if the rest break is a paid break.	Support
Pharmacist		breaks are needed. fatigue sets in during the day and volume doesn't stop. very concerned about safety for pharmacists and customers	Support
Pharmacist		I am so grateful for the opportunity for a break/rest period as the public views us as robots! Many of us pharmacists are at work all day for 12-13 hour shifts and allowing us to take a break/rest period is very much needed for our mental as well as our physical health as we are people too!	Support
Pharmacist		I sincerely hope this proposal is adopted, and not just recommended with no action taken. This proposal has been brought up before only to have the lobbyists for the big chain drug companies see to it that it never comes to fruition. It's always been about the \$, and no respect for the pharmacist as a person, and pharmacy as a profession. "Lick,stick,count,and peel". Let's see this time if we have the compassion and respect for the profession to do the right thing !	Support
Pharmacist		Thank you for taking this action, must say it is certainly about time. As a pharmacist for over 20 years, I find it very disappointing that it took this long and that the board has to mandate it. Seems that pharmacy chains (including grocery chains) never wanted to implement this. Again, Thank you	Support



## Mandatory Rest Break Comments

Pharmacist		This is an important and necessary rule for both employee and patient safety. Being unable to eat or take a moment of rest in a long, busy, physically and mentally active shift is untenable and only opens us up to making mistakes which harms everyone. I am glad the board is taking prior public concerns to account and fully in support of this ruling being passed.	Support
Pharmacist		I think it is a great idea. I have been doing this for 20 plus years and people can not believe pharmacist don't get a lunch. We have a very important job to do and it makes no sense to push pharmacist over the edge with fatigue because that is when mistakes can happen. I have worked 12 hours days that we were so busy I had to go thru the drive thru after work to eat something before I drove another 40 minutes home. I do appreciate the opportunity to give us a lunch break. I think it would help a lot on those really busy days that seem to be more frequently. Thanks	Support
Pharmacist		This would be much needed. as a pharmacist getting up in age the 13 hour shifts without breaks is too much	Support
Pharmacist		I believe there should be mandatory breaks and rest periods. We recently started to get 30 minutes for lunch. It's a nice change, but still does not seem like long enough. The first 5-10 minutes are still used waiting at patients at the counter as they come running in to beat the lunch break. A 20 minute break when working 12-14 hours is exhausting and causes major fatigue which is detrimental to patient care. Things get missed when you are tired, overworked, and rushed every day. Mandatory breaks and lunches will not allow companies to continue to abuse their pharmacy staff.	Support

## Mandatory Rest Break Comments

Pharmacist		As a pharmacist privileged to be licensed in Ohio, the proposed rule appears to me to maximize patient safety while simultaneously preserving the professional judgement of a pharmacist to elect not to engage in the 30 minute break if an emergency need necessitates. I have worked 16 hour shifts in community pharmacy just to come back the next day and repeat the same workload. While I was able to do this when I was in my twenties, it has become increasingly difficult to maintain maximum performance with this kind of hourly shift. Burnout is difficult to avoid when one is too exhausted from a week of five 16 hour days in a row to interact with one's family and community. Pharmacists "can" do this, but at what risk to the communities they serve? I would like to submit to the board and stakeholders that the residents of Ohio deserve better and will be best served by the proposed rule under consideration.	Support
Pharmacist		no comments. Sounds good Thank you for the well thought out plan	Support
Pharmacy Technician		There should be mandatory breaks to help prevent people from making critical mistakes.	Support
Pharmacy Technician		I think that this is a great idea. Being unable to sit for an entire shift is extremely hard on my body. I would appreciate a five minute break once or twice a shift.	Support
Pharmacist		Mandatory rest periods are essential to pharmacist well being and in direct response, patient safety. This is not a novel idea, just something that has disappeared as demand has risen. In order to protect the public, this rule is essential. The number of pharmacists who don't eat, take a bathroom break, or get a moment to decompress throughout an entire day is astronomical. It puts patients at harm. Eating while checking prescriptions is not only unsafe for everyone, it's unsanitary and should never be allowed. It's common decency and sad that a law needs to be put in place for pharmacists to have a living work environment.	Support
Pharmacy Technician		Pharmacist need breaks to perform to the best of their abilities.	Support

## Mandatory Rest Break Comments

Pharmacist		I agree that pharmacists should be required to have breaks if working more than 6 hours continuously. I become very fatigued and hungry in my last 7 hours of work (after my first 5.5 hours of work) without having a break. I believe that having a break to sit down and/or have a snack would help with being more alert during the evening.	Support
Pharmacy Technician		I have been denied breaks many times, even when working as a union member and had to get documentation from a medical provider. This law is needed to maintain a healthy and safe work environment for everyone.	Support
Pharmacy Technician		-Necessary -Retail pharmacies would up to 12 hours with only a single 30min break with CVS -increased risks of mistakes with less break time is applicable	Support
Pharmacist		While it is unfortunate that there is a need for a law to give a lunch break over an 8 hour shift , most pharmacists (particularly on the retail side) work significantly longer hours and this should absolutely be a standard. It should not be viewed as only a pharmacist / tech / human need but also from the lens of patient safety as most pharmacies continue to run on thread bare staffing and the cumulative load can potentially lead to an increase in errors.	Support
Pharmacy Intern		I am in favor of ruling for mandatory breaks for ALL pharmacy personnel, given that there is sufficient overlap in staffing- if not closing the pharmacy for a lunch break period.	Support
Pharmacist		I support this rule as this is the very bare minimum of a workplace requirement.	Support

## Mandatory Rest Break Comments

Pharmacy Technician		I think this rule is a great thing. I'm currently a technician who's worked for almost two years in a pharmacy. I am also currently in pharmacy school and will be an intern next year. There are days where they are only 1-2 technicians on the weekends and 1 pharmacist. I usually don't get to eat or sit down during my 8 hour shift during the weekend. It's very frustrating how understaffed we are and the workload we get. I wish we could shut down on the weekends for 30 minutes for a break. Breaks on the weekdays happen and flow fine. On the weekend, we will not get breaks unless we have an opportunity to close for 30 minutes.	Support
Pharmacist		Wonderful idea! Not sure how this no break thing started in the first place.	Support
Pharmacist		Needs to be done. Currently no break mandatory at my place if employment and the public doesn't understand the need for the pharmacist to take a break	Support
Pharmacist		I agree and would very much appreciate a lunch break. I have experienced no breaks in pharmacy with CVS and with independent stores and this is a great step in the right direction.	Support
Pharmacist		The break is needed to not only eat but to clear one's head. After 30 years as a retail pharmacist, today's work environment is the most challenging	Support
Pharmacy Intern		My pharmacist works 12 hour shifts and sometimes doesn't even get a bathroom break. Mandatory breaks are a need.	Support
Pharmacy Technician		I believe there should be mandated breaks for the safety of the patients and the pharmacists. Some pharmacists and techs commute to work then are expected to work 12-13 hour days. I believe a designated 30 min break would provide optimal rest and eating periods for pharmacy staff	Support
Pharmacist		I wish for this rule to pass	Support

## Mandatory Rest Break Comments

		thank you so much for implementing the mandatory breaks and rest periods for pharmacy personnel. have been a pharmacist for over 20 years and have experience in hospital, ltc, grocery chain (kroger) and now in ambulatory care clinic. it is certainly about time, but i am deeply disappointed that it took a pandemic to institute this without the assistance of pharmacy chains. again, thank you so much!	Support
Pharmacist		I truly believe that working 12 hours straight, with no set break is dangerous and unhealthy. No person should have to work without eating or going to the bathroom if the pharmacy is so busy that one cannot squeeze out time to take a bite of food or go to the bathroom!	Support
Pharmacist		It is about time that pharmacy personnel are treated like the human beings they are and not like some robots that exists to process prescriptions.	Support
Pharmacist		Retail pharmacists have been completely overworked, burnt out, and taken advantage of especially with the advent of COVID vaccines but even prior. It's a shame that we're just now starting to garner the same work place rights as the rest of America. It's a joke that we don't already have scheduled meal breaks and rest breaks like the rest of the world and instead have discussion panels on whether to consider allowing it.....	Support
Pharmacy Technician		I think it's so unfair that we over worked. Then companies having the nerve to cut back hours, leaving us working under staffed. Then to top it off the economy we living in & the inflation of food cost, living, gas etc...	Support
Pharmacy Technician		Do you have break recommendations on technicians who work in clean rooms?	Question

## Mandatory Rest Break Comments

Pharmacist		<p>As it is worded, I am opposed to the Mandatory Break rule being proposed by The Ohio State Board of Pharmacy. Too often, when something that sounds like an improvement is "mandated", the negative effects outweigh the benefits. In some settings, a pharmacist that is paid hourly could lose 2.5 hours per pay per week. I do not see anywhere in the proposal that this would be a paid break. A "less-is-more" rule would be to simply inform employers that if a pharmacist, pharmacist-intern, or pharmacy technician working longer than six continuous hours per day feels that they are not getting adequate breaks, then they are permitted to request and be granted up to a 30-minute, uninterrupted break. If the employer fails to meet the request, the employee has the right to contact the Board, which would promise to act quickly on the violation. I find that often meetings and discussions in the business world focus on "numbers" that are not based in any solid fact. As an example, an employee working 6 hours, gets a 30 minute break. If they work 5 hours, apparently they do not qualify for any break. And apparently if they work 11 hours, they still only receive 30 minutes. What if an employee feels that they could work better with two fifteen minute breaks? I think more trust should be given to employers that they will do their best to provide a safe environment for their greatest assets, their employees. I truly believe this rule should either be abandoned entirely or edited in a manner that I mention above. In my work setting, where I am the loan pharmacist on site, a forced 30 minute uninterrupted break will no doubt add to my workload. I will come back after the break to handle things that could wait for my return, but also, I may have to cover remotely via electronic means other sites whose single pharmacist would be on their break. I have been practicing pharmacy for nearly forty years. As many in healthcare, there are times of immense workload. We make important decisions every day. I think we should be left with the freedom to elect our best way to work safely. A 30 minute uninterrupted break cannot possibly guarantee a safer work environment. In some settings, it could make it less safe. David Keenan RPh License # 03-3-18638 1500 Spring Wood Lane Uniontown, Ohio 44685 330-896-7161</p>	Oppose, feedback included
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## Mandatory Rest Break Comments

Pharmacist		<p>As it is worded, I am opposed to the Mandatory Break Rule being proposed by The Ohio State Board of Pharmacy. I feel mandating breaks will simply make the work environment more confusing, and perhaps less safe. I work part-time and am paid hourly. I would LOSE 1.5 hours of pay weekly because there is no stipulation that these are paid breaks. I work in a retail setting where workflow ebbs and flows. I want to have the freedom to choose when it is a good time to "take a breather". I also don't understand the wording that I am taking an uninterrupted break, but I will have to "be available". It is not easy to relax with that caveat. I am also a bit shocked that when I am on the premises while taking my break, duties performed by my technician or support personnel are still considered under my direct supervision. That contradicts what I have been told for years. I think more trust should be given to my employer and co-workers that we will do our best to provide a safe environment for our patients. I truly believe this rule should not be passed as written. I have been practicing pharmacy for over thirty years. As many in healthcare, there are times of massive workloads. I am expected to make important decisions every day. I think we should be left with the freedom to decide our best way to work safely. A 30 minute uninterrupted break cannot possibly guarantee a safer work environment. In some settings, it could make it less safe.</p> <p>Michele Keenan RPh License # 03119062 1500 Spring Wood Lane Uniontown, Ohio 44685 330-896-7161</p>	Oppose, feedback included
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## Mandatory Rest Break Comments

Pharmacist		<p>As proposed, this rule will only back pharmacists up, causing them to rush to catch up with the work that the technicians have completed and therefore still increases the risk of errors. The other scenario would be that the staff - meaning the salaried position ie, pharmacist would have to stay overtime to catch up. It should be MANDATORY to have companies provide overlap PHARMACISTS to cover. Again, while a break seems like a great idea many pharmacists will agree that they would just work through the break as to not get more behind as there is never enough scheduled help to begin with. More needs to be done to make the corporations accountable to fully staff their pharmacies or close them. This is why I, and many others have left the profession as we are not treated as professionals. We are only means to the corporations bottom dollar.</p>	Oppose, feedback included
Pharmacy Technician		<p>I don't believe the breaks should be mandatory. I agree with everything else listed, but not requiring breaks. They are unpaid breaks that I don't believe we should be required to take. I think the choice should be given to all pharmacy personnel. I prefer to take my two paid fifteen minute breaks throughout the day instead of a thirty minute unpaid.</p>	Oppose, feedback included



## Mandatory Rest Break Comments

Pharmacy Technician		<p>This rule is a joke. The break needs to be AT LEAST one HOUR, PAID, uninterrupted break for both Technicians AND Pharmacists. Workload is TOO HIGH, especially in retail environments--a single half hour is NOT sufficient, in fact it is BELOW sufficient and reflects poor care of staff on the Board. There should also be 2 MANDATORY, PAID, 15 minute breaks per 8 hour shift for Technicians AND Pharmacists (especially in the retail setting). Staffing needs to be sufficient that all needs of patients are met, and staff is PAID, and allowed adequate rest. No Pharmacist should be REQUIRED to work more than an 8 hour shift, regardless of retail, hospital, or other setting. Put the care and safety of staff above profit, and the care of patients will be superior. The issue with overworked staff is, at the root, not enough trained staff, so minimum wage for Certified Pharmacy Technicians need to exceed \$25 to \$30 per hour in the state of Ohio. This will attract work. One hour paid breaks, and two 15 minute breaks per 8 hour shift will also bring in talent to the Pharmacies in the state. Pay us what we are worth, and performance will be exceptional. Nobody wants to be overworked and underpaid, especially in this type of high-need field. Make it an hour, mandate it be PAID. Thank you.</p>	Oppose, feedback included
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## Mandatory Rest Break Comments

Pharmacist		<p>The rule, as written, is ridiculous. Something to say that you've done something while actually doing nothing and hanging it all on the individual pharmacist, per usual. I'm not sure how relaxing a break is knowing the staff continues to work with patients and pile up work for the pharmacist upon return from the 'break.' And anything that goes on while the pharmacist 'breaks' is under the pharmacist's liability. Whether intentional or not, techs and interns will do things outside of the pharmacist's purview that the pharmacist would not agree with if they were physically present/consulted. But I guess the pharmacist will be rejuvenated from their break when called on the carpet by their employer, a patient, the Board or a lawyer for something done when they weren't even there. Either you mandate the pharmacy close so that a proper break is possible or there truly isn't a break. There's just a half hour of being away but being fully responsible at the same time.</p>	Oppose
Pharmacist		<p>I don't believe mandating breaks is necessary. It should be left up to individual pharmacies to make their own policy regarding breaks. If a pharmacist feels they need an uninterrupted break they should discuss that at the individual pharmacy level. A blanket mandate is not the answer for our profession and will have unintended consequences.</p>	Oppose
Pharmacist		<p>Our pharmacy is a very busy retail grocery chain pharmacy. We have pharmacist overlap which enables us to take breaks. It would be an inconvenience to close for 1/2 hour every day. We would have to end up staying past close to finish the work.</p>	Oppose

## Mandatory Rest Break Comments

Pharmacist		<p>What a slap in the face. A basic human right of a lunch break is a privilege for pharmacists who provide great value to the community. The rule should be that the pharmacist is NOT allowed to do any work while taking this break so that they are not only able to actually eat, but can also take a mental break as well. The mental break is needed for both a break from having to think critically pertaining clinical information AND a mental health break. It's no secret that majority of pharmacists are stressed out throughout the day and this would provide relief. These corporations are getting away with treating us like slaves. Although some now close for "lunch", most pharmacists work through the lunch to catch up. We still dont eat, we still dont get to sit down, we still dont get a mental break. It's inhumane. It is imperative that we take that break to protect our patients. They ultimately will see the effect of pharmacists not getting breaks through medication errors. I implore the board of pharmacy to do the right thing, advocate for our profession, and help us pharmacists/technicians take care of our patients in a safer manner. Thank you.</p>	Oppose
Pharmacist		<p>This is not an improvement and is unfair. If the pharmacist is to remain on premises and be available, then it is NOT an uninterrupted break. It is not a break at all. Busy retail stores that are not required to close will continuously require the pharmacist, period. There is no emergency in outpatient pharmacy. Chains will abuse this loophole. Also, only requiring 6 hours between shifts? Is this a joke? Non salary employees are required to have 8 hours between shifts. You think SIX hours is enough time when you are EXHAUSTED from the daily abuse to commute, eat, sleep, shower, get ready, and commute home? The big chains make pharmacists drive an hour for commute time. This entire role is a joke.</p>	Oppose
Pharmacy Technician		<p>This should be up to the pharmacy personnel to decide for themselves.</p>	Oppose

## Mandatory Rest Break Comments

Pharmacist		Waste of time.... Just limit the number of daily vaccine allowed and vaccination propaganda. Since when is it a pharmacist job to be the sole administrator and record keepers of all vaccine recommendations and requirements for everyone in the country . It's becoming a joke actually.	Oppose
Pharmacist		Please do not mandate this for hospitals. It is not feasible for small facilities.	Oppose
Pharmacy Technician		I don't believe a mandatory 30 min break is necessary within six hours of work. Our labor laws state a break isn't required until you work a full eight hour shift, which is sufficient. I've worked in a pharmacy for 27 years and have never required/needed a break after working 6 hours.. and then having to take my 30 minute lunch too.. that's ridiculous! Most workplaces don't have enough workers to cover mandatory breaks & lunches.	Oppose
Pharmacist		The 12 hour workday limit is unnecessary. Cutting an hour off the work day will just move more work into a shorter period of time. Especially with the introduction of a mandatory break, shifts in excess of 12 hours are very doable. Pharmacists that claim shifts over 12 hours contribute to errors are using this as an excuse for their own shortcomings. At the very least it should be up to the pharmacist, that is to say they shouldn't be forced to work over 12 hours but they definitely shouldn't legally be prevented from working over 12 hours	Oppose

## Mandatory Rest Break Comments

Pharmacist		<p>I am truly amazed at the recommendation on breaks regarding pharmacist by the board it basically is towing the retail pharmacy company line. Why is it the board is not concerned with the well-being and safety of the pharmacist? Which ultimately equates to patient safety. Getting 1- 30 minute break for a 11-13 hour shift when you are already expected to get there early and consistently expected to stay late unpaid is absolutely against any other profession and labor laws much less a profession that requires such a high level of accuracy. How is it that a cashier at a department store if working an 8 hr shift gets 2- 15 minute breaks and at minimum a 30 min lunch yet Pharmacists are expected to constantly be working at volume levels which are unsafe with numerous additional responsibilities being added regularly? We are already giving these companies free labor daily not counting the lack of breaks/lunches. You have to wonder why would the board not recommend that pharmacists get 2 breaks if working an 8 hr shift and a lunch when standard retail pharmacist work 11-13 hrs paid a day?? How many meals does someone eat from 8am -9pm in a day?? I can assure you it is normally more than 1 and the fact you have NO OTHER BREAK during that 13 hr shift. Why would the board not want pharmacists rested to the point of being able to safely dispense medications? Because the retail companies have too much influence over the boards which is why we need to move to a union to balance the scales and institute common sense labor laws/regulations. The only exception to breaks should be if you have OWNERSHIP in the pharmacy you are working in and if you choose not to take those breaks then that would be the choice of someone who has the authority to take a break if they needed because they are an owner. However, to force a regular employee to not have just 1 break a day which most still can't take because of the added workload is absolutely unacceptable and wouldn't be tolerated in any other profession. The recommendation by the board basically restating retail companies 1 lunch break policy is shocking. Some states just got the option of the 1 break this last year which was already LONG overdue. This is why people are not signing up for pharmacy schools and they are leaving the profession in droves. I can personally tell you I don't know</p>	Oppose
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## Mandatory Rest Break Comments

		<p>one pharmacist that would recommend the profession to someone and it's because of things like this... Why would you go to school full time minimum of 6.5 yrs and be 100s of thousands of dollars in debt to become a Doctor who can't even take a break during the day? No other DOCTOR would work in those conditions and as the retail pharmacies have seen they aren't going to anymore which is why they are leaving and can't hire anyone willing to stay more than a month or two. Maybe we should all work for the board and then we would. I thought when Ohio Board announced this focus group that they were actually going to do something! I can't even express my disappointment with respect to their "recommendation".</p>	
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## Mandatory Rest Break Comments

Pharmacist		<p>This change seems to be geared more toward large chain pharmacies who are staffing at unsafe levels. I've staffed in a busy independent for several years and take breaks throughout the day as workflow permits. I think it's unnecessary to require me to inconvenience my patients by stepping away for 30 minutes. This also creates more stress for me knowing I may have to do this during a busy period and come back to a larger workload and impatient customers. I also have worked in slower independent pharmacy settings (under 200 prescriptions per day). Why would you require this change for a pharmacy like this or a start-up pharmacy only filling a handful of prescriptions per day? I think it's important to keep in mind...taking a 30 minute break does not decrease the amount of workload, it simply condenses it in less time which can cause more anxiety and stress for some pharmacists.</p>	Oppose
Other (please specify)	<p>retail pharmacist and owner - 54 total years worked</p>	<p>trying to micromanage which is usually disastrous - can not issue such a one size fits all law and expect only good results - reminds me of the can only transfer a prescription once law which was quickly rescinded - every establishment is unique and its owners and pharmacists are well aware what is safe and what is needed in their particular setting to operate safe and efficiently - mandatory breaks should not be dictated however your suggestion for such is greatly appreciated - not a good law in my opinion and I thought long and hard about this before responding - steveallenrph@yahoo.com</p>	Oppose

## Mandatory Rest Break Comments

Pharmacist		<p>While laws are created with good intentions, they also and most assuredly have bad consequences. This is one of those laws. While some large companies may take advantage of pharmacists, many work in longer hour settings advantageously or in tandem with their employer to create better access to their communities. This is especially true in the independent, rural setting where some pharmacists have to work longer hours alone to support their needs. Removing this flexibility or creating more bureaucratic law is discriminatory to independent pharmacies in rural, healthcare deserts who do not have the large resources as larger companies the State seeks to mandate into control. This will in turn to lead to less opening hours and access to care to those patients in these healthcare deserts.</p>	Oppose
Pharmacist		<p>As a pharmacist with 2 rphs everyday, I believe this law would actually make our job more stressful. By taking a 30 minute break, it will prevent us from catching up and staying caught up. It would be like starting our day over again only later which would make it harder to catch up. It should be up to individual companies, not the state board.</p>	Oppose
Pharmacist		<p>Please do not mandate breaks. I get enough downtime in my retail pharmacy because I have overlapping shifts with my partners Monday through Friday. When I work weekends we would have to close down for a half an hour and that is not what I want nor do my patients. These mandatory breaks would also make my work week 2.5 hours longer.</p>	Oppose



## Mandatory Rest Break Comments

Pharmacist		<p>While I think the idea of breaks for pharmacy personnel is a good idea I'm opposed to making this mandatory especially for Pharmacists. Pharmacists traditionally have managed their own breaks. Most organizations have established breaks for Pharmacy Technicians. The idea of making breaks mandatory concerns me for the following reasons: 1) Impact on the public when visiting a retail Pharmacy. Patients expect their Pharmacy to be open, per hours posted, when they visit to pick up a prescription. How will it work when someone wants to pick up a script and the Pharmacy is closed for a break. This will occur in one Pharmacist locations. Will the patient need to select a pick up time via a phone call or schedule a visit via the internet? 2) Monitoring of compliance. What happens if scheduled breaks are missed due to conditions warranted to take care of patients? Are we going to fine the Pharmacy or cite them for missing a break? 3) The idea of a government agency mandating breaks appears like an overreach of authority. What's next? Will the Board mandate Pharmacy hours, Holidays to be observed, other benefits that the private sector sector manages? Thank you, H. Leonard Stallo</p>	Oppose
Pharmacist		<p>Rest periods are fine. Most retail operations already have these in place so this rule has little real impact on the industry. The issue I have is the 12 hour shift limit. Physicians, nurses, and many other medical positions have shifts that are more than 12 hours. Why are we limiting our profession? Also this will not have the impact you hope to see. Pharmacies open more than 12 hours are almost exclusively large chain retail operations. If you limit a pharmacist's hours to 12 hours all you are doing to lessening the number of hours to complete all the work for the day, because chains will cut operation hours down to 12 hours. Same number of scripts just less hours to complete them. So it will make workload worse not better. Also this will financially hurt many pharmacist as they will see the hours available reduced. I know if this occurs I will lose 130 hours a year in compensation. Please stop "helping us"!!</p>	Oppose

## Mandatory Rest Break Comments

Pharmacist		This is not helping the pharmacy staff at all. The state board is still bending to corporate pharmacy. The pharmacist needs to be completely removed from the pharmacy for their 30minute break. If the pharmacy is still open and running, their break will be interrupted. We all want to help patients. Let us do that by giving us a safe work environment.	Oppose
Pharmacist		I work second shift in a small hospital. I am solo most of the shift. Unless I were to break immediately after coming in, this would not work for me. Many of us would rather go without a break than take unpaid breaks. 30 minutes a day means 2-2.5 hours a week I'm at work but not paid. A waste of time and money in my opinion. I feel like rules should be different for hospitals. We are have to respond to codes, and have 15 minutes to process a stat order—sometimes we cannot help but be interrupted during a break. On nights and weekends there is a single tech and single pharmacist at my hospital. It isn't realistic to have uninterrupted breaks with only 2 people dealing with all the drug needs of a past capacity hospital. I feel this "rule" needs to be tempered with more caveats and some common sense or only enforced in retail.	Oppose
Pharmacist		This is self defeating and will actually make the pharmacists' lots worse, as the same amount of work will now have to be accomplished in less time. If the breaks are not covered by another pharmacist, the pharmacist will find himself 30 minutes behind after thebreak.	Oppose

## Mandatory Rest Break Comments

Pharmacist		I feel as a professional it is my right to take care of my own health and I should be allowed to manage my breaks as I need and see fit. I currently take time for lunch or a snack as my workflow allows. It may be 10 minutes here and 10 minutes there. If I were required to take a full 30 minute mandatory break this will add a lot of undue stress and anxiety to my day. I run a very smooth constant workflow. A 30 minute break stops my workflow and then when I come back from a 30 minute break, I will be walking into a situation where I am now 30 minutes behind. I feel this adds a ton of new unnecessary stress that I never had before. This rule takes away the ability to manage my own break schedule and adds a ton of unnecessary pressure on me. I very much disagree with this rule.	Oppose
Pharmacist		This rule would not much help pharmacists. You should revisit this rule.	Oppose
Pharmacy Technician		As a pharmacy technician who has had to work more than 12 hours in the past, how would this only apply to pharmacists? It seems as if the Board doesn't care about the well-being of technicians.	Needs clarification.
Pharmacist		Is it really a break if you are assuming responsibility for all work performed by others while you are on break? This leaves it open for employers to require retail locations stay open during break and personally if I'm responsible for what my technicians do and say I'll be attentive and therefore not getting the mental break needed during a 12 hour Retail shift. It should be stated that it is up to person assuming responsibility to decide if technician continue to sell prescriptions and communicate with patients either on phone or in person or if the gates are down and phones off.	Needs clarification.
Pharmacist		For this rule to be effective, mandatory closing for a time period if there is no other rph overlap would have to be in the rule. Namely, most pharmacies operate on weekends with only one rph. During weekday, could be feasible to operate without mandating closing if overlap available.	Needs clarification.

## Mandatory Rest Break Comments

Pharmacy Technician		Pharmacist should have time to not just when they have time to do so. Walmart from I understand they shut there pharmacy down.	Needs clarification.
Pharmacist		The Board should define what a "documented emergency" is within the proposed rule. This is an overly broad term without definition. Thus section E seems to be the provision most prone to abuse by employers to require their staff to perpetually work more than 12 hours in a day and not be held accountable for violations of the proposed rule. For example, if I wanted to "document" an emergency by sending an email out to my staff saying that due to COVID-19 everyone must work longer than 12 hours for the foreseeable future without breaks, the proposed rule seems to allow that to happen. I could further stretch the definition of an "emergency" to include staffing shortages, drug shortages, a visit by management, etc... Additionally, I would strongly encourage the board to make the required time off between shifts to be EIGHT, or TEN, hours instead of SIX. I would point out that the FAA requires that airline pilots take a mandatory 10 hours off between flights for adequate rest - since mistakes could happen which result in death and serious harm due to fatigue. Pharmacy staff also deal with hundreds of patients daily, where there is high potential for death or injury if fatigue of staff arises. No one is coming to work well-rested and fully engaged after only 6 hours between shifts.	Needs clarification, additional feedback included
Pharmacist		Is the proposed break rule mandatory?It states "shall "be allowed.This needs to be clearly defined by the Board as shall in legal terms could mean optional.	Needs clarification

## Mandatory Rest Break Comments

Pharmacist		<p>1) If I'm reading this correctly, the pharmacist may choose to physically leave the pharmacy during his/her break and close the pharmacy during that time? If this is the case, should it be more clearly articulated? 2) In my time in retail pharmacy, it was routine for each member of a 2 pharmacist team at one store to work one 12-hour day per week to allow the other pharmacist one day off per week. In this instance, would the one working the twelve hour day be entitled to TWO 30-minute breaks, being he/she would be working TWO 6-hour uninterrupted periods? If so, this should be clarified. 3) And if in the above scenario, the pharmacist working the 12-hour shift is not entitled to a 2nd 30-minute break, I'd suggest a 2nd break during the 12-hour shift, maybe of a slightly shorter duration (i.e. 15 or 20 minutes?). 4) Would this regulation apply to retail AND hospital pharmacies? LTC pharmacies? Centralized, large volume, refill pharmacies? Others? Or is this strictly aimed at open to the public retail pharmacies? I'd suggest you consider some of these other pharmacies where pharmacists also work long hours under stress and also need breaks which are not always available from staff or management.</p>	Needs clarification
Pharmacist		<p>I just want to make sure the break will be a paid break and we will not be required to work extra hours/shifts to make up that time.</p>	Needs clarification

## Mandatory Rest Break Comments

Pharmacy Technician		<p>If the pharmacist has to be available on their break, then that is not an uninterrupted break. If the goal is to ensure the pharmacy staff is properly rested so they can do their job more effectively, then the break needs to be uninterrupted. The pharmacy would have to be closed for that half hour. The techs could still fill and type and put things away during that break, but the pharmacy would HAVE to be closed to patients. Otherwise, any time there is a counsel note, or if an incident pops up, the pharmacist on duty would miss out on their uninterrupted break. I don't know if you've worked retail pharmacy recently, but the patients are not going to take "We have your prescription ready, but there is a counsel note for the pharmacist who is on lunch, so you'll have to come back later so we can help other patients" well. If the pharmacist is even just with another patient, I've had patients huff and yell and try to take the prescriptions out of my hands because they had to wait a minute or two. And then that turns into an incident that the pharmacist would have to come solve anyways. The long and short of it is: the pharmacist's should definitely get guaranteed, uninterrupted breaks during their shift so that they can be fully effective. To ensure their break is uninterrupted, the pharmacy NEEDS to be closed to patients.</p>	Needs clarification
Pharmacist		<p>Are the breaks paid or unpaid ? It will be very hard to justify this as being paid</p>	Needs clarification
Pharmacist		<p>It is a great rule in theory, but in practice, there needs to be language regarding working through the mandatory rest or meal period. My colleagues and I usually work through the majority of the one break we do get in order to catch up or get ahead. On that note, most of the time, our shifts are 12 or 13 hours, on our feet the entire time. One 30 minute rest break for this long of a shift is not enough. There should be at least one 15 minute break as well as one 30 minute break. I look forward to seeing what to expect moving forward.</p>	Needs clarification

## Mandatory Rest Break Comments

Pharmacist		<p>The rule on documented does not state if the pharmacist working for an employer can choose to close the pharmacy during a documented break. If the employer decides to stay open and the pharmacist takes a break that break should not be interrupted under any circumstance even an emergency. Should the employer choose to stay open then they need to provide another pharmacist to provide coverage during the scheduled break time. There also is zero detail of what constitutes a documented emergency that could entail anything from an antibiotic for a child or a pain med for a post surgical patient. This could happen many times throughout the day therefore the break really is not a break. The rule needs to include that the pharmacist on duty decides closure of pharmacy for a break and if the employer decides then another pharmacist needs be on duty otherwise this rule really is the same as always and allows for pharmacists to continue to work in an environment that is not suitable for patient safety.</p>	Needs clarification
Pharmacist		<p>(F) Except in a documented emergency, a terminal distributor of dangerous drugs shall not require a pharmacist to work longer than 12 continuous hours in any workday and shall allow at least six hours of off-time between consecutive shifts            Q: What is the definition of 'off-time'? For example, if a hospital pharmacist works a 12-hour shift and then is 'on-call' for additional hours. Please clarify. Additionally, there needs to be clarification if every aspect of the proposed rule applies to both hourly and salaried pharmacists.</p>	Needs clarification
Pharmacist		<p>(4) Only prescriptions that have been dispensed by a pharmacist may be sold while the pharmacist is on break, unless those prescriptions requiring pharmacist counseling or the pharmacy has established a process to provide counseling via video, telephonic, or other electronic means. Please ensure that it is clear that the offer to counsel should be included with every encounter with a patient at the point of sale within this statement.</p>	Needs clarification

## Mandatory Rest Break Comments

Other (please specify)	Regional Pharmacy Supervisor	Will the max 12 hour days be based on posted operational hours? We have pharmacists that come in hours early to get a head start on the day and stay over until the front-end of the store closes to clean up from the day. This is not expected by the business owner, but done because of professional and staffing obligations. How does this rule effect those practices from pharmacist and company perspective?	Needs clarification
Pharmacist		Please clarify wording on break - I would recommend that the OFFER of a break must be given but the CHOICE to take one should be up to the practitioner. I worked 5 years with a mandatory lunch-break in retail and almost 25 years without one - my experience is that the collateral issues do NOT outweigh the break (back-log after the 30 minutes, annoyed customers, extra phone calls, etc.) which is why I strongly feel the individual employee should be allowed to work through if they choose to.	Needs clarification
Pharmacist		"Uninterrupted break" needs defining. Doesn't "uninterrupted break" mean that the pharmacist is not available during those 30 minutes? If the pharmacist is, "available on premises during the break and is immediately available to respond to questions by pharmacy technicians or interns" then doesn't this mean that the break is uninterrupted? What are the definitions of emergencies in, "immediately available for emergencies"? What is the consequences of the interruption? Does this mean that for any interruption the pharmacist should get compensated for the 30-min non-break? The 12-hour shift and break rule is not feasible in a setting of on-call needs in 24 hour settings. If there is a call out that needs covering does this mean it needs to be a "Documented Emergency" and does one document this? The 12-hour limit is not feasible in the 24-hour setting or with an individuals work-life balance as some pharmacists may want to work 14 or 16 hour shifts to get an additional day off and their desire should not be limited by a law.	Needs clarification



## Mandatory Rest Break Comments

Pharmacist		Part F- needs clarity. 12 consecutive hours- is that with a half hour lunch or no lunch? If they take a lunch, it technically is not consecutive, therefore scheduling 13 hours or more is allowed.	Needs clarification
Pharmacist		Comment: many locations are open 13 hours, is the proposed rule going to have pharmacies close earlier? 8-8 instead of 8-9? Or now the benefit of working 3-13 =39 hours would be lost and RPhs would have to work an additional day to make up the extra hours lost? Can pharmacists elect to work 13 hours?	Needs clarification
Pharmacy Technician		Is the break in addition to a lunch break? We get lunch breaks which is why we work eight and a half hours per shift. But we don't really have enough coverage for other breaks even though we are told we can take them.	Needs clarification
Pharmacy Technician		I recommend adding wording clarifying paragraph A, this should be a mandate for employers. Technicians and other staff should be allowed to voluntarily decline a break, assuming it's of their own volition and they are not being compelled, directly or indirectly, to surrender their break period.	Needs clarification
Pharmacist		Please clarify that if the break is not 30 uninterrupted minutes the break must be paid.	Needs clarification
Other (please specify)	Remote Pharmacy Technician Supervisor	My technicians are remote and don't do technician duties all day. I would like the rule to be more clear on whether 30 minutes is required or allowed. All of my technicians are allowed a 30 minute or one hour break period but some of them opt not to take it. Will they still be allowed to make that decision?	Needs clarification
Pharmacist		Rule states that rph is allowed an uninterrupted 30 minute break. If only 1 rph on duty and pharmacy not closed, how is that an uninterrupted break if the rph must be available to answer questions/supervise technicians?	Needs clarification

## Mandatory Rest Break Comments

Pharmacist		<p>I am a PGY1 Residency Program Director in a hospital (with 24/7 staffing) over 4 PGY1 residents each year. We are accredited by ASHP and our program is designed around both the well-being and duty hour requirements set forth in the ASHP PGY1 Accreditation Standards. We closely monitor both the safety of our resident performance as well as the general well-being of our residents on a regular basis. We meticulously monitor resident duty hours to ensure compliance with the ASHP Duty Hours policy. Residency training is rigorous with high standards and the expectation of working more than full time for a one year period of time. Both our residency program and our department staffing schedules are designed to include regular resident staffing to support the needs of the patients. This often includes a staffing component after a clinical rotation that results in a 14 hour work day. A few times a year, residents are asked to do a 16 hour shift (clinical rotation followed by full staffing shift). The staffing hours are designed for residents to achieve their dispensing-related learning objectives required to earn their certificate. These staffing hours and experiences are not easily re-allocated while still complying with the ASHP Duty Hours requirements of a minimum of 8 hours free of duty between scheduled shifts. The proposed rule limiting all pharmacists to 12 continuous hours in any workday places undue burden on residency training sites to redesign residency programs to comply with both the Ohio rule and the ASHP Duty Hours policy. In addition, the rule does not adequately define what "continuous hours in any workday" entails when considering a resident often starts their day in a clinical or administrative role with very limited to no pharmacist checking/dispensing activities then transitions into a clinic or inpatient staffing role with the primary responsibility of checking and dispensing. The rule also doesn't address the possibility of on call hours and how they may or may not affect the total continuous hours for the day. Finally, with the strong oversight expected of resident training already enforced by ASHP and the fact that the survey data this rule was based off of initially seemed to be more focused from the retail setting, there seems to be very little patient safety benefit or even well-being benefit expected from making</p>	Needs clarification
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## Mandatory Rest Break Comments

		<p>residency training sites comply with the proposed rule. It is possible however, that the breadth of residency training experience could be limited with less real world staffing experience which does not seem in the best interest of the profession. Please consider excluding accredited residency training programs (already covered by the ASHP Duty Hours policy) from this rule.</p>	
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## Mandatory Rest Break Comments

Pharmacist		Often times pharmacists and technicians choose to work double shifts in order to get an extra day off. This is a choice by the individual and not a requirement of the organization. Are employees allowed to work more than 12 hours if they personally choose to do so? For an on-call, does that fall under the emergency provision?	Needs clarification
Pharmacist		Will it be a paid lunch break	Needs clarification
Pharmacist		For number B4- The wording is confusing. I had to read it 3 times, but I think it is saying that Prescriptions that have been dispensed by a pharmacist already can be sold if no counseling is needed. If counseling is needed, arrangements must be in place to provide it by video, electronic, etc means.	Needs clarification
Pharmacist		I would like to still be able to voluntarily work longer than a 12 hour shift. With my location closing for a 30 min lunch I am working 12.5 hour shifts 2 days a week. I do not want to have to redo both my and my partners schedule due to a 30 min period that is over the 12 hour maximum. This would be a huge hassle and would result in increased stress to both of us to force us to work more days in a week over 30 min. It will also result in increased transit time and expense of gas. This seems counterproductive.	Leans oppose, mainly feedback

## Mandatory Rest Break Comments

Pharmacist		<p>While this rule is a good first step, it has some inconsistencies. The rule under statement A indicates that the break should be 30 minutes uninterrupted, but statement C indicates that the pharmacist must be immediately available to respond to emergencies. This may not allow for an uninterrupted break. Unless there is pharmacist overlap, the pharmacy department should be closed for the break so it can truly be a break. Phones and other messaging devices should be set so they do not interrupt the pharmacist. Working 12-hour shifts are not conducive with pharmacist well-being and should be curtailed to a maximum of 8-10 hours. Working 12-hour shifts with one, 30-minute break does not allow for mental and physical recovery. Pharmacists also should not be so exhausted after 12 hours of work that they cannot meet non work obligations. Employers must attend to the entire person. Other rules need to be put into place to address the issues found in the 2020 workload study such as pharmacist overlap and staffing and the use of metrics that do not contribute to patient safety. Mandatory rest breaks represent only one issue.</p>	Lean support, needs clarification
Pharmacist		<p>Practicing Muslim Pharmacists pray 5 times a day. There are 3 prayers that are during a typical work day. Pharmacy staff have a special time-sensitive prayer at sunset time. Although sunset time changes throughout the year, we should make sure that the mandatory break time can be in the evening. We get a lunch time finally, so please allow the mandatory break time in the evening. If we keep the break time stable for the patients then the rest of the year sunset is outside of that time range. Please make it easy for us to pray (@5 minutes) without interruption in a private space for our prayers. We are dedicated to the practice and making this an open policy would help us not to explain to our Dear non-muslim staff and they could easily explain to customers how they wish.</p>	Lean support, mainly feedback

## Mandatory Rest Break Comments

Pharmacist		This is nice, but it really doesn't do anything to address the underlying problem that most pharmacy staff are identifying: STAFFING. The issue has always been, and continues to be, staffing. You would think that in the state responsible for Emily's Law, more would have been done within the last 14 years to make sure that no more patient harm comes as a result of insufficient staffing in pharmacies. But that would require regulation for adequate staffing, Tech to pharmacist ratio limits, or other things that might inconvenience big chain pharmacies, and then they'd be grumpy about it, and you wouldn't be able to line your pockets with their greasy money.	Lean support, feedback included
Pharmacist		The proposed rule is a start, but still fails to recognize that pharmacists, pharmacist-interns, and pharmacy technicians themselves are human beings with the same needs as those of their patients. My concern is that employers will take advantage of the wording allowing exceptions for "documented emergencies" and in reality these will be a regular occurrence. Pharmacists/interns/technicians who are burned out and overburdened with ever increasing tasks present a danger not only to their patients, but to themselves and their loved ones. Is 30 minutes in, for example, a 12 hour shift really adequate to take care of personal needs and recharge? It is not. Is 6 hours enough down time between shifts? It is not. How is a human being supposed to rest and recover enough to perform more exhausting mental and physical work with less time than is necessary for a good night's sleep? The specific parameters specified in this suggested rule need more focus on taking care of the people who are taking care of the patients. Patient safety can only be achieved when the health and well-being of pharmacists, pharmacy interns, and pharmacy technicians are adequately prioritized.	Lean support, feedback included
Pharmacist		We're getting close, however 12 hour shifts pose a hazard to public health. No pharmacist, or any healthcare professional that has the potential to make errors resulting in patient harm or death, should work alone beyond 10 hours.	Lean support, feedback included

## Mandatory Rest Break Comments

Pharmacist		Please make it clear to our employers that it is a rest period or break and not a time for a conference call about business metrics. This is how Kroger is using the time occasionally.	Lean support, feedback included
Pharmacist		This is not restrictive enough. We deserve an interrupted break for at least 30 minutes yes....however we should not be working more than 10 hours per day. There are numerous studies that show after 8-10 hours our efficiency decreases. Force more hard limits or involve an RX count limit.	Lean support, feedback included

## Mandatory Rest Break Comments

Pharmacist		<p>First, thank you for taking this topic under consideration. I am sure it was a lot of work. My point to consider is that I believe pharmacists should be removed from this proposed rule. I am not a medical rules expert, but, if we do not propose this type of rule for physicians, physical therapists, and other professional personnel, I do not think we should apply this to pharmacists. I fully believe that even with the exclusion of pharmacists, the stores will adapt to having a lunch period that include pharmacists. My final point is that perhaps this rule is unnecessary. It is my opinion that the work requirements and break needs of the pharmacist are not new. And, even a few short years ago, there was an significant shortage of pharmacists. If the actions from within this rule were important to either pharmacists or pharmacy owners, such actions would have been undertaken to have a recruiting and human resource asset advantage. Instead, for decades, pharmacists have been satisfied with grabbing lunch on the go, and earning a salary for the full schedule of the day. There are other governmental areas that oversee the health and welfare of workers. And while I respect the thoughtful consideration of the specific nuances of pharmacy practice, I would think this rule should be written to clarify practice considerations, rather than be the rule that requires pharmacists to have breaks. Lastly, as a pharmacy owner, I want you to know that I would love to give PAID breaks to my team. They work very hard. But, instead of mandating breaks, you could continue to focus your legislative efforts on assuring the financial health of pharmacy organizations that deliver care to the patients. We have seen reductions in net reimbursement during a period of high wage inflation. Lower revenue with higher expense is not a model that supports lowering productivity. The only way to give breaks in most retail settings will be to make them unpaid. Thank you for the opportunity to provide feedback.</p>	Lean oppose, mainly feedback
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## Mandatory Rest Break Comments

Pharmacist		THIS SEEMS ONLY A PARTIAL STEP IN THE RIGHT DIRECTION....MY RESPONDING QUESTION WOULD BE TO ASK HOW IT IS CONSIDERED A BREAK IF I AM STILL RESPONSIBLE FOR THE ACTIVITY WHILE I AM "RESTING"? YOU MAY JUST AS WELL AMEND THE RULE TO ALLOW FOOD AT THE DISPENSING TERMINAL BECAUSE THAT IS WHERE MOST WILL TAKE THEIR REQUIRED BREAK ONCE THEY RETURN FROM THE RESTROOM AND VERIFY THE SCRIPTS DONE WHILE THEY WERE "AWAY" . NOTHING SHORT OF SHUTTING DOWN AND LOCKING UP WILL AFFORD ANY PHARMACIST A DECENT BREAK.	Lean oppose, mainly feedback
Pharmacist		No longer than 12 hours per shift is nice, but there should be at least 8 hours between consecutive shifts.	Feedback only
Pharmacist		I am a retail pharmacist and having breaks is not addressing the problem. I would estimate that 80% of the pharmacist use the 1/2 lunch break and closing of pharmacy as time to catch up, not on resting. I suggest there be mandatory "dark hours" when prescriptions needing pharmacist review hits a certain number and limiting the number of prescriptions a pharmacist can check per day.	Feedback only
Pharmacist		My concern is whether breaks and rest periods would actually occur as intended. Such as, the pharmacy closes to the public, but the corporate office/expectation becomes that staff continue to work, just uninterrupted, for that period of time. Therefore, they aren't truly being allowed a break. Additionally, this may just leave the staff feeling more behind in the workflow. Staffing levels and competent staff members are a bigger problem than lack of breaks, in both my opinion and experience.	Feedback only
Pharmacy Technician		We should be able to sit along as you are working.	Feedback only
Pharmacist		It should be a minimum of 10 hours off between shifts	Feedback only
Pharmacist		I think the pharmacy should fully close during the break. No interruptions for the pharmacists at all during that time.	Feedback only

## Mandatory Rest Break Comments

Pharmacist		If you want a pharmacist, specifically a retail pharmacist, to have the opportunity for an uninterrupted lunch, then mandate a 30 minute pharmacy shutdown for lunch. This would be truly beneficial. Many retail locations have already adopted this lunchtime closedown, but some have not and a push/mandate by the board is needed. Customers do not care about us eating lunch. If the pharmacy is open and they need something, their expectation is the pharmacist will take care of it immediately, hungry or not. Closing the gates for 30 minutes is the only deterrent.	Feedback only
Pharmacist		Pharmacies are closing for lunch now but they should close for supper if the pharmacies hours are for example are 9 AM to 9 PM and the pharmacist starts at 1 PM and works till 9 PM or if the pharmacist works 9 AM to 9 PM. 6 PM should be a good time. Keep in mind pharmacists are call back to the pharmacies often at the start and in the middle of restroom breaks. If this happens during lunch or supper, the meal will always be cold since you are usually paged when you are heating your meal and it's cold again when you get back.	Feedback only
Pharmacist		Rest time between shifts should be at least 8 hours instead of 6. There should be mandatory breaks given.	Feedback only
Pharmacist		My place of work has no respect for third shift. It is a 1000 bed hospital but doesn't care about nights. We are a body plugging a hole. One way or another, they will make it difficult to cover lunches. They REFUSE to increase night shift staff and will punish others, one way or another, to cover lunches. Problem is, no one will care, inside or outside the institutions. That includes upper pharmacy management or corporate management.	Feedback only
Pharmacy Technician		Better hours for pharmacy technicians my hours were cut and I was forced to figure out a way to survive and pay my bills. There should be equal opportunities amongst other pharmacy technicians and not based on seniority or any other reason.	Feedback only

## Mandatory Rest Break Comments

Pharmacy Technician		I believe this is mandatory with the shortage of techs lately I have often had to do the job of 3 separate people in one single 8 hr shift (often I do not get any rest periods or lunches other than a bathroom break, If I would like to leave work ontime.)	Feedback only
Pharmacy Technician		There should also be a mandatory rest period of 15 min for employees working for at least 5+ hour shifts.	Feedback only
Other (please specify)	Retired pharmacist	Recently retired after 42 yrs as a community pharmacist standing in a corner eating a cup of yogurt filling 400 scripts on a 13 HR day with 3 techs a drive thru doing 30 plus Covid,flu,shingles,tdap,pneumonia shots a day borders on stupid. A lunch break on paper sounds good but I'm willing to bet is spent trying to get caught up and returning phone calls rather than resting plus sure there is a crush of patients coming in just before closing for lunch. I ran into this for years just trying to close the pharmacy on time at the end of the day. Patients coming in at last moments to pickup meds filling scripts they have had for days etc leads me to believe work load limits per pharmacist, better tech staffing, better trained techs, all vaccinations done by appointments, and standing firm that REILLS are 24 to 48 HR waits. Allows pharmacists and staff to concentrate on immediate needs antibiotics er scripts and pushing other meds to central fill programs etc. Educating the public and physicians(were pharmacists spending endless time on hold to fix wrong escribes) less of the ridiculous and insulting rx filled in 15 minutes or less will go a long way to attract younger pharmacist back to community pharmacy. By the way I was truly honored and loved being a small town community pharmacist. I wish father time had not caught up with me William Doane RPh	Feedback only
Pharmacy Technician		If Pharmacy technicians work for 12 hours a day, they have to have 30 minutes breaks after every 3 hours a day.	Feedback only

## Mandatory Rest Break Comments

Other (please specify)	years as a technician, now in buyer capacity	I have worked in hospital pharmacy since 1995. I will tell you getting a break is the next thing to impossible. Staffing ratios do not allow for it, and the workflow does not encourage it. For many years, getting a lunch break was nearly impossible. the staffing ratio here is nearly 1:1 ... and the process mechanism has made it impossible. There are many days when we have more pharmacists on duty than technicians. It is ridiculous.	Feedback only
Pharmacist		If a Pharmacist is working 12 hours or more I feel there should be an additional 15 minute break at minimum uninterrupted. We currently have a 30 min lunch but by time we get to lunch it turns into 20min. This rule should guarantee 30 min, meaning if lunch is from 1:30 to 2pm and pharmacist doesn't get to lunch till 1:40 then they may not return till 2:10pm.	Feedback only
Pharmacist		With regard to the to the time requirement in the proposed rule "working longer than six continuous hours per day shall be allowed during that time period to take a 30-minute, uninterrupted break" will encourage employers to staff only part-time positions. A better rule would be to apply an accumulative break period for every 4 hours of work, thus giving employers less incentive to staff only part-time workers with limited or no benefits.	Feedback only
Pharmacist		One 30 minute break is not enough for working a 12 hour shift	Feedback only
Pharmacist		Allowing water (even in clear conatiners on the work line) would be a great asset to work life for the pharmacists.	Feedback only
Pharmacist		Mandatory rest breaks by my employer are between 1:30 and 2. Therefore, an afternoon pharmacist working from 2p-9p do not have a break. Additionally, a pharmacist working from 9a-9p get one break on a 12 hour shift. Has this been considered by the board?	Feedback only
Pharmacist		Please include not reducing the employees total hours worked	Feedback only
Pharmacy Technician		There is so much to learn as pharmacy technicians. It's better and so convenient	Feedback only

## Mandatory Rest Break Comments

Pharmacist		Safety research in transportation, medical and other fields for many years, indicates fatigue (physical and mental) contributes to errors. Some errors result in minor inconvenience to the patient, but some errors can be lethal. The current state of pharmacy business operations is overly focused on profits, with safety being a secondary consideration. For example, pharmacists should be on duty no more than 40 hours per week, with a mandatory duty free 15 min break every 2 hours and a mandatory 30 min duty free break every 4 hours. I urge the legislature and the Board of Pharmacy to enact regulations that will improve safety for patients.	Feedback only
Pharmacist		Consider adding, "lunch breaks should not be scheduled at the beginning or end of any work shift"	Feedback only
Pharmacist		If mandated closure of the pharmacy is not included in the rule then I don't believe it will be truly effective. When trying to step away to eat I am constantly interrupted for counseling or reconstitution of antibiotics, which, because the pharmacy is not closed, I do not feel right about delaying. I have worked in environments that had a lunch policy in place for pharmacists that was effectively ignored due to the pharmacy not actually being closed for that break period.	Feedback only
Pharmacist		I think that in addition to a 30 min break after 6 hours it should be mandatory that if you work 8 hours or more that a 1 hour break be taken. Most pharmacists work 10 hour shifts on longer. In addition pharmacies should allow both microwaves and coffee makers so that the pharmacy staff may have a warm meal and hot coffee should they choose.	Feedback only
Pharmacist		If this Mandate is approved, it should stipulate that a pharmacy employee may ELECT to be exempted from the BREAKS especially if it affects them financially, or adding the break might increase your workload.	Feedback only

## Mandatory Rest Break Comments

Pharmacist		<p>I recommend changing from 12 hours to 13 or 14 hours for this section: "(F) Except in a documented emergency, a terminal distributor of dangerous drugs shall not require a pharmacist to work longer than 12 continuous hours in any workday and shall allow at least six hours of off-time between consecutive shifts." Some pharmacists actually prefer to work a 13-14 hour shift such as 8am - 9pm/10pm so that they have more days off away from the pharmacy. Changing this might mean that the other section needs to be changed, if a pharmacist working 8am-9pm/10pm takes a lunch break from 1:30-2pm then they'd be working 7 hours from 2-9pm. The real problem is when a pharmacy has enough prescription volume to necessitate having overlap with a second pharmacist, but the chain pharmacy does not allocate more pharmacist hours to facilitate this. This is when it becomes dangerous for a single pharmacist to try and work 13 hours when they are filling over 400 prescriptions in a single day, even with adequate technician help. We want flexibility to work longer shifts or shorter shifts as each pharmacist prefers for their work life balance, but to also have adequate overlap to fill higher volumes of prescriptions safely.</p>	Feedback only
Pharmacist		<p>Its not a break if the pharmacist has to be available if the pharmacy is open. " If the pharmacy does not close, the pharmacist shall remain on the premises of the licensed pharmacy and be immediately available for emergencies". If the break is interrupted every 10 minutes to counsel a patient its not a break. The pharmacy should close for a break to be even moderately productive.</p>	Feedback only
Pharmacist		<p>With the proposed rule being for 'pharmacy personnel', I'm curious why "F" only specifies that pharmacists cannot work longer than 12 hours. Why would this not also apply to technicians? Please also consider on-call coverage impacts of this 12hr rule for hospitals. The inpatient pharmacy does not close and when needed, pharmacists and technicians whose on-call was activated will often require them to stay longer than 12 hours. Is this where the exception for 'documented emergency' applies?</p>	Feedback only

## Mandatory Rest Break Comments

Pharmacy Technician		Requiring "at least six hours of off-time between consecutive shifts" sets a standard that this is an appropriate amount of time to return home rest and then return. Please, reconsider a minimum of 8 hours. Many pharmacists travel to their work location with commutes of greater than 30 minutes. With this in mind, a 6 hour 'break' between shifts would be limited to less than 5 hours of sleep. "The American Academy of Sleep Medicine and the Sleep Research Society recommend that adults aged 18–60 years sleep at least 7 hours each night to promote optimal health and well-being." As professionals directly in health and wellness, we should be promoting this with in our rules.	Feedback only
Pharmacy Technician		The proposed rule does not go far enough to protect pharmacy staff from fatigue. Two 15 minute breaks as well as a 30 minute break in a given 8 hour work day should be required at minimum. The time between scheduled shifts should be no less than 8 hours.	Feedback only

## Mandatory Rest Break Comments

Pharmacist		<p>here's a novel idea- how about REQUIRING that any Rph who works more than an 8 hour shift be paid time and a half like most human beings in this country. The big 3 chains - Walgreens, Rite Aid and especially CVS pay lip service to safety but routinely create conditions in their stores that encourage unsafe work environments. Does ANYONE on this committee really wish to have their prescriptions filled by a pharmacist who's on hour ten of a 12 hour shift, has probably processed 300-500 prescriptions at that point and administered God only knows how many immunizations? You need to create a carrot and stick approach that encourages these companies to appropriately staff and operate their pharmacies. By economically disincentivizing a 12 hour shift these employers may start to treat their pharmacist staff with the respect they deserve by eliminating this egregious staffing practice. I would also encourage requiring time and one half pay for any hours worked over 40 in a 7 day schedule. For years the chains said they would staff appropriately if only there were enough pharmacists to do so. Now there are more than enough pharmacists available to adequately staff their pharmacies but unfortunately most new pharmacy school graduates refuse to consider retail employment because of the horrendous practice conditions created by the chain pharmacy corporations. Unless and until these conditions are remediated and improved the danger these conditions create will continue and the safety of the public- which is the primary mission of the Board of Pharmacy -will remain in peril.</p>	Feedback only
Pharmacist		<p>I think (F) should also apply to interns and technicians as well. They should not be required to work more than 12 continuous hours just like pharmacists. I can see some employers taking advantage of techs and interns because they are not specifically mentioned in this section. Thank you</p>	Feedback only



## Mandatory Rest Break Comments

Pharmacist		Supervising technicians is a job duty / job function of a pharmacist. If the pharmacist is responsible for supervising technicians while they are on break, it's not really a break is it? How is the pharmacist to effectively supervise (and be held legally liable for mistakes that arise?) when they are supposed to be eating or resting.	Feedback only
Pharmacist		A retail pharmacist working longer than 10 hours without the support of additional pharmacist overlap regardless of a mandatory break has demonstrated and will continue to demonstrate harm to public health and safety. The Board of Pharmacy is responsible for protecting the health and safety of the public.	Feedback only
Pharmacy Technician		I never get a break or a lunch at the pharmacy where I work. I have talked to every manager I work with and they tell me they have no one to relieve me. But they all take numerous breaks and hour and a half lunches. They don't care if we are over worked and stressed.	Feedback only
Pharmacy Technician		I believe lunch breaks should be more than 30 minutes considering that we work 8 hours or more. Secondly, if we have to continue having 30 minute lunches then we should get two 15 minute paid breaks or at least one. It's always so busy and 30 minutes is definitely not enough time to "rest and reset."	Feedback only
Pharmacist		If the break is not mandatory and does not require the pharmacy to close, then retail pharmacist will NOT get a break.	Feedback only
Pharmacist		For (F), change at least six hours of off-time between consecutive shifts to at least EIGHT hours of SLEEP TIME between consecutive shifts.	Feedback only
Pharmacist		The mandatory breaks are a nice thing during the day to energize and refocus but many days the "break" is simply 30 minutes of work without customers or phone calls. The work load almost demands some production by those working to avoid even bigger delays.	Feedback only

## Mandatory Rest Break Comments

Pharmacy Technician		I have been a Certified Pharmacy Technician since 2017. Previously working for a large chain company/pharmacy, myself and coworkers sometimes we're not able to take some of our breaks, due to people calling off. Now, working for a different company, we are not even given breaks other than our lunch. I firmly believe that Technicians desperately need at least one break (other than lunch), to regroup and re-energize their body and mind. Away from the stress that is placed both mentally and physically, while trying to care for our customers medications. It has relentlessly been proven by many doctors, that even a small rest rejuvenates the mind and body by at least 26%, therefore necessary for the accuracy of each prescription fill.	Feedback only
Pharmacist		30 minutes breaks must be made mandatory and uninterrupted. Having the option to "stay within the premise, answer questions from technicians" is not a break.	Feedback only
Pharmacist		Can there be an additional addendum to this rule, that if a pharmacist must take a break out of medical necessity (pumping or eating and injecting insulin), whether that be during a scheduled meal break or outside of that scheduled time, that the terminal distributor of dangerous drugs must not force the pharmacist to keep the pharmacy open during their medically necessary break. Reasoning is that the pharmacist is unable to take care of his or her self properly and can't sufficiently oversee pharmacy staff or counsel patients when he or she is required some uninterrupted time to perform medically necessary functions for his or her sustained health. Forcing pharmacists to keep the pharmacy open while they take a medically necessary break that is intended to be uninterrupted puts both the pharmacist's license at risk, as well as it creates liability issues for the terminal distributor should any number of things happen or a technician practices outside their scope while the pharmacist is trying to take care of his self or her self.	Feedback only

## Mandatory Rest Break Comments

Pharmacist		In part B of the proposed rule, it might be worthwhile to consider adding if there is only one pharmacist staffing a given pharmacy they shall be required to close, but if there is more than one pharmacist on duty the pharmacy is not required to close. This might encourage companies to schedule more hours of pharmacist overlap so that they do not have to close during the mandatory break. Additionally, if there is only one pharmacist, it is very unlikely that they will be able to have a true uninterrupted 30 minute break.	Feedback only
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## Mandatory Rest Break Comments

Pharmacist		<p>The idea of a pharmacist rest break is a nice one, but unfortunately I don't see the idea that "the pharmacy can stay open during a break" working well in practice. Techs and interns still being considered to be "under the supervision of a pharmacist" when we're in another part of the building for a half hour? I recognize what this is driving at, but the sequelae here are pretty obvious: 1. Tech or intern does/says something dumb and the pharmacist is not in earshot to correct them, and it has adverse consequences that the pharmacist is then held accountable for. (And under current law this can happen too if the pharmacist is helping someone else or is in the bathroom or whatever, but this'll just increase the chances of it happening.) 2. Patients have questions for the pharmacist and since the pharmacist is required to be "immediately available", their break keeps getting interrupted and so it doesn't really qualify as a break. In terms of quality of life for pharmacists, you're better off mandating that if another pharmacist is not available to be on duty during the break, the pharmacy be closed and Rxs can't be sold or picked up. Might also want to include something about how close to the beginning or end of one's shift it can be. Otherwise you'll 100% run into "you start your shift at 2 and have to take your break at 2:30 because the other pharmacist leaves at 3". Which to my mind isn't much of a break because you just got there! I worked in retail for years and during some of that time the pharmacy did close for pharmacist breaks, which I appreciated. Though by the time you deal with that person who walked up two minutes before the break, shut the gates, get to the break room, heat up your lunch, etc. your 30 minutes is down to 20, but still it's better than nothing. I also dealt with "taking a break while the pharmacy is open" while expressing milk for a baby, with the sorts of consequences I expressed above. As well as trying to sit in the back and eat while the pharmacy is still open, and get interrupted a zillion times. I don't get real breaks in my current job, but I don't mind it so much here. We are not dealing with the public, and we are welcome to heat up our food to eat at our desks while working on the computer, and there are other pharmacists on duty with us as well, so if we have briefly stepped out, there is someone</p>	Feedback only
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**Mandatory Rest Break Comments**

		else to assist technicians with their questions and take calls from medical staff. In retail, it's a much bigger issue.	
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## Mandatory Rest Break Comments

Pharmacy Technician		<p>All Pharmacists in the state of Ohio should be allotted a daily break, where the conduct of ALL pharmacy business should end. These meal breaks and rest periods are not just a concern for the health of the Pharmacist, but for the health and safety of the patients they serve. If a Pharmacist is working 13+ hours without a rest or break for food, fresh air, or exercise, then they may be a dangerous to the people around them. Proper nutrition, exercise and sleep are staples of life, these all should possible options for a Pharmacist to consider taking advantage of during their break. Pharmacist are people too! They need to take breaks from looking at screens all day, and get their bodies moving so they are less prone to blood clots, and other ailments due to a sedentary life. They need an hour, or two (2) thirty minute breaks, minimum.</p>	Feedback only
Pharmacist		<p>If the pharmacy is allowed to remain open during the time when a pharmacist is to be on "break", the pharmacist is never going to be able to take the time to mentally recoup. All staff should be forced to break at the same time, forcing the pharmacy to close for 30 minutes if the pharmacy does not want to have overlapping rph shifts. Also, if you have techs leaving to go on their 30 min uninterrupted break, the rph will have to pick up the slack of that tech leaving them even more depleted than before. The only way the chains are going to adhere to these changes is if it is made so that the pharmacy must close for 30 min if another rph is not on site to cover that Rph's break.</p>	Feedback only
Pharmacist		<p>Rest breaks are in place, but without a corresponding decrease in workload. Employers focus on metrics and still expect the same performance with respect to work volume daily. During breaks prescriptions still drop in electronically, by fax, and through voicemail. The "break" simply applies to having a short period without customer interference, because most often we continue working during break in order to catch up with the trend.</p>	Feedback only

## Mandatory Rest Break Comments

Pharmacist		If the pharmacist is responsible for techs and interns while on break then are they really on a break if techs and interns are allowed to work and the are responsible..	Feedback only
Pharmacist		Most retail pharmacies already have lunch breaks. I say retail pharmacies because that's where MOST of all this "poor work conditions" originate from. Mandating a break is too little too late. Stop dancing around the REAL issue which is these retail companies view their professional staff as an asset in the sense that their prescription computer and inventory systems are their assets. EVERYTHING these companies work toward, train on, comment on, threaten on, are money driven stats. There is NO concern regarding quality, health, nor errors (until those issues occur, then it's our fault we don't have 2 seconds to think about any one thing). They KNOW every corner that can possibly be cut--is being cut or completely fabricated and no one cares as long as all the boxes are checked. We ALL have been asked to do WAY TOO much (and this got this way at least a decade ago and have been piling it on ever since). I am truly shocked patients aren't dropping dead all the time due to errors in some of these busier pharmacies. I'm torn between warning people and implicating myself in some ridiculous malfeasance. I think it's just dumb luck.	Feedback only
Pharmacist		The mandatory off period between consecutive shifts should be a minimum of 8 hours not 6 hours. Additionally, for patient safety there needs to be tech ratios implemented to help with pharmacist workload.	Feedback only

## Mandatory Rest Break Comments

Pharmacist		<p>Breaks and rest periods sound great. But in our pharmacies, we have "X" amount of prescriptions to fill before close. And it's usually a mad rush to get them completed by closing time. Pharmacists are very courteous to their coworkers, and they will go to great lengths to avoid leaving work for the next shift. So, back to the breaks and rest periods. If the employers are required to give these breaks, they should probably be required to hire more staff. Because the work is already barely getting done in time, which is, of course, the cause of the pharmacist fatigue and burn out. Breaks may help the pharmacist recharge for an hour or so, but then it will be negated by the fact that the same pharmacist will now need to pick up their pace even more to compensate for his or her own slack caused by that break they just took. Employers know they can squeeze this work out of us. Shame on us for continuing to drive high volume results and profits without so much as a complaint. Thanks for trying to help through! We appreciate you lookin out. I'm just not sure if it will be the correct solution.</p>	Feedback only
Pharmacist		<p>It seems that it would improbable at the least that a pharmacist would be allowed a true break let alone truly be able to oversee operations if the pharmacy were to remain open while the pharmacist is on break. If a pharmacist is critical for the safe operation of a pharmacy the pharmacist must be present and engaged. The best practice for all parties involved would be that the pharmacy is closed during the pharmacist's break.</p>	Feedback only



## Mandatory Rest Break Comments

Pharmacist		Mail order companies or closed door pharmacies are using the rationale of fewer external distractions to justify imposing increasingly higher daily unrealistic quotas. We recently experienced an issue within our workplace where a drug omission oversight on our end led to one of our patients experiencing acute renal failure. Within the next week, we were informed that our daily quotas would be increasing within the same working hours. Excluding mail order and closed doors pharmacies is not only unsafe for our patients but leaves the pharmacists stuck with trying to meet unrealistic quotas with no recourse. Settings as such seem to now be sacrificing quality for a greater output of quantity and profit. Instead of hiring another pharmacist they seem to be adding on extra responsibilities to existing pharmacists and increasing unrealistic goals for a greater profit which is inviting disaster to the care our patients. I am not only speaking for myself but for many other pharmacists when I say that we have reached our breaking point and changes within our profession are absolutely necessary.	Feedback only
Other (please specify)	pharmacy tech trainee	employer sometime reassign work outside of pharmacy as grocery clerk. We should be able to get a 15 min paid break if techs work 4-6 hours. payrate doesn't commensurate amount of workload when short staffed in pharmacy.	Feedback only
Pharmacist		I appreciate the addition of a 30 min uninterrupted break. However, it may not work well for a single rph store where there is also only one technician working often. Imagine if the technician leaves for the 30min break, everything falls onto the rph. My technicians are already taking 15 min uninterrupted breaks which allows them to leave the pharmacy. If they leave for 30min which is the length of my lunch, then that's more burden on the rph. Please consider to split up the break into 2x15 min for technicians only. Also, it would be perfect if that 30min uninterrupted break can be combined with the 30min lunch time to make it into 1 hour lunch with pharmacy closed instead. As long as the pharmacy opens, with only 1 pharmacist working, "uninterrupted" would never exist to be honest.	Feedback only

## Mandatory Rest Break Comments

Pharmacist		Can only say it's a good start but about 50 years too late. You may also wish to consider a rule requiring a cashier or tech to be in the pharmacy with the pharmacist ALL hours the pharmacy is open for "retail" stores. With shots, counseling (OTC & Rx), daily paperwork, phones, overrides, prior authorizations, drive thrus, avoiding mistakes, etc., this only seems reasonable... as one of my professors used to say, "A word to the wise is sufficient."	Feedback only
Pharmacist		In section F, "Except in a documented emergency, a terminal distributor of dangerous drugs shall not require a pharmacist to work longer than 12 continuous hours in any workday and shall allow at least six hours of off-time between consecutive shifts." I feel that 12 hrs is an appropriate daily limit, however six hours is not a feasible amount of time for rest/recuperation between consecutive shifts. Most resident doctors, resident pharmacists, and other healthcare workers are devoted a minimum of eight hours between consecutive shifts- community pharmacists deserve the same given the current workloads and staffing shortages. Considering pharmacists have a life outside of pharmacy, six hours between shifts will realistically allot for about four hours of sleep. Most of us have families to go home to and almost all of us don't get to eat dinner at work. Sleep deprivation is dangerous to our health - it poses a threat to patient safety by increasing the risk for medication errors. Eight hours minimum between consecutive shifts will account for commuting to-and-from shifts, opening/closing the pharmacy, and/or obtaining keys for floating pharmacists. Additionally, I feel that "documented emergency" should explicitly exclude staffing shortages, temporary coverage as a pharmacist-in-charge, and other circumstances that were brought on by these corporations' failures to prioritize staff retention and appropriate staff:workload ratios.	Feedback only

## Mandatory Rest Break Comments

Pharmacy Technician		Ok. So there is now where pharmacies close for a certain amount of time for lunch but what about people that work at 24 hour pharmacies. Reasonably in most extremely busy locations there's no way that techs will be able to take breaks mandated or otherwise because the pharmacy will still be open with plenty of customers coming through. For 24 hour pharmacies there needs to be 2 mandated 30 mins break times to account for all employees and not just employees that work mornings	Feedback only
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## Mandatory Rest Break Comments

Pharmacist		<p>Without mandatory closure of a pharmacy staffed by a single pharmacist, I believe there will be no meaningful benefit to pharmacists with this rule. Under the proposed rule, the pharmacist must stay on site, must be available to answer questions by the staff still working, and must be available to respond to emergencies. How does that differ from what many pharmacies do now? Essentially, with many chains, the pharmacists can take lunch breaks if the pharmacy's needs allow for it, and that is all that is being offered here. It is deeply unfair to the staff who continue to work and the pharmacist on break to have to tell patients they must wait for their prescriptions to be filled for 30 minutes because said pharmacist is on a rest break. Sadly, many patients see pharmacies as the fast food of healthcare, and will naturally be impatient at the fact that the pharmacy is open, but they perceive the pharmacist as not wanting to work. This puts unnecessary pressure on other staffers and the pharmacist to come back early from break or interrupt it multiple times because of waiting patients. In order to enact meaningful change and positively impact pharmacist work/life balance, pharmacies should be mandated to close for 30 minutes if there is no relief pharmacist available to cover. This would encourage better pharmacist staffing by pharmacies by incentivizing pharmacist schedule overlap to cover one another's breaks and avoid mandated break closures. More pharmacists sharing duties decreases patient care risks and provides better support as a whole to the pharmacy team. If there is a concern from independent pharmacies who are worried about the finances associated with mandated closings and their more limited staff, the Board could consider limiting application of this rule to pharmacy businesses with more than a certain number of employees. It is typical in government regulation to carve out some exceptions for smaller businesses that may not be able to meet more onerous regulatory requirements, such as FMLA coverage only for businesses with more than 50 employees in a given area. But, chains like CVS, Walgreens, and Kroger can certainly accommodate for pharmacist breaks and should be mandated to do so given that their pharmacists are typically the ones who suffer more</p>	Feedback only
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## Mandatory Rest Break Comments

		<p>stressful work conditions. Imagine if outpatient physician offices continued to schedule patients for their provider over a lunch break and then tell the patients they have to wait for an extra 30 minutes while the provider is eating lunch. There would be tremendous patient dissatisfaction and it would be reported on patient surveys. Therefore, outpatient offices simply don't schedule patients for time periods when the provider isn't available. That should be what occurs here. It gives the patients clear expectations of exactly when the pharmacy is available to fill their prescription and empowers them to make a choice of where they want to receive the prescription based on the pharmacy's known, fixed schedule. As the industry has proven it cannot self-regulate in this regard, it is up to regulators to do so. I believe a harder line stance by the Board on this issue is necessary to make meaningful, lasting change in the industry and the profession.</p>	
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## Mandatory Rest Break Comments

Pharmacist		Section B "may, but is not required to, close" does not offer the pharmacist a "30 minute uninterrupted break" from section A. If the pharmacist is granted a 30 minute uninterrupted break, then Section C cannot apply. The pharmacist cannot be on break AND provide direct supervision if the pharmacy is open, even if on the premises or with limited activities. Section E needs to define a documented emergency. Employers should not be allowed to use being under staffed of available pharmacists a documented emergency. This should be clearly stated in the section.	Feedback only
Pharmacy Technician		I think the provision for telecommunications in pharmacist supervision over a break should have strict requirements to be met on a facility-need basis, and not be left open to abuse by retail corporations who can and will find a way to cut corners. This could open the door for remote, and potentially out of state pharmacists taking over if the breaking pharmacist is not available.	Feedback only
Pharmacist		Although this is a step in the right direction, this does not address the true problem with retail pharmacy. As the name suggests "workload" committee, it is not the lack of break that is the problem it is the lack of resources. How safe is it for a pharmacist to check 500 prescriptions in a day whilst doing vaccines and trying to manage his technician staff? There needs to be mandates on how many pharmacist hours are worked per prescriptions filled. This would be the best decision for patient safety. In my opinion it is neglectful for the board of pharmacy to leave things as they are. I have made multiple reports over the years and have gotten minimal to no feedback.	Feedback only
Pharmacist		I think the pharmacy should be required to close for a pharmacist break. If it is still open, it is never going to be "uninterrupted"	Feedback only

## Mandatory Rest Break Comments

Pharmacy Intern		<p>I think it should be mandatory that pharmacists receive a 30min lunch and two 15min breaks for an 8hr shift. Also, I think that a pharmacist should get an additional 15min break if working more than 10hrs. The pharmacist can split that as two 30min lunches for lunch and dinner and a 15min break in-between. I struggle to find accommodating pharmacies to work in because I have to take my medicines with food during breakfast that I eat before I come into work and with dinner at 6 or 7pm because lunch is typically at 12pm and we don't get an additional evening break. So I feel excluded from companies that do not wish to deal with pharmacists with such needs. It's really hard to find that balance. On top of it I think that all retail pharmacies should implement a central fill med synchronization process where pharmacies fill regular monthly refills at a city site and deliver those to pharmacies for patients to get all of their regular scripts on the same day each month from their local pharmacy to allow pharmacists to focus on their clinical skills and not dispensing. Machinery used in a central fill process would tremendously help with easing off the workload on pharmacists and allowing break implementation without the interruption and backlogging of scripts.</p>	Feedback only
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## Mandatory Rest Break Comments

Pharmacist		<p>In Section (B), I would change the word "emergencies" to "emergent situations". The phrase "emergent situations" remains more vague in its use, and makes much more sense when applied to a pharmacy setting. In Section (C), there should be an addition verbiage that is similar to OAC Rule 4729:5-9-02.10 regarding the removal of all staff members from the pharmacy when the pharmacist also leaves the premises, or is not immediately available. OAC Rule 4729:5-9-02.10 states that "If in the pharmacist's professional judgment they determine, for reasons of security or otherwise, that the pharmacy should close during the pharmacist's absence, then the pharmacist shall close the pharmacy and remove all staff from the pharmacy during the pharmacist's absence." In Section (E), there should be an addition of verbiage that requires the employer to include terms of compensation (or lack thereof) for requirement to work &gt;12 hours for documented emergent situations. Perhaps something along the lines of, "Policy describing how compensation and benefits would be rewarded (or chosen to not be rewarded) to a pharmacist, pharmacy intern, or pharmacy technician if a documented emergency would necessitate work longer than 12 continuous hours would need to be provided by the TDD as a part of the employment agreement." This would allow for transparency ahead of time that would help settle potential disputes between employers and employees. In Section (F), I do encourage the board to add in further hour restrictions over a greater length of time. For example, perhaps we should limit a pharmacy employee's ability to work &gt;30 hours in any continuous 48 hour period. This can be left up for discussion, but employers could easily abuse the rule to create repetitive 12 hour shifts with only 6 hours in between.</p>	Feedback only
Pharmacy Technician		<p>Breaks are mandatory for meals, studying for students, scheduling appointments before places close before the end of a shift, and many more reasons. Also just for that reason, 30 minutes is not enough time to do some of or all of the things listed and more. To recuperate and to rest.</p>	Feedback only



## Mandatory Rest Break Comments

Pharmacist		This rule will not need to have any stipulations nor exceptions if the pharmacy closes for 30-minutes daily. Many pharmacies and other state boards have already implemented a 30-minute uninterrupted break for pharmacy staff. This would be the first crucial step into combatting workload issues.	Feedback only
Pharmacist		6 hours off between shifts isn't even close to being adequate. Figure in a commute, time to shower & eat breakfast, and you will be getting 4 hours of sleep. This should be a minimum of 10 hours, 12 is even better. It's hard to function without adequate sleep.	Feedback only
Pharmacy Technician		Pharmacy personnel should have access to chairs and/or stools if space allows in their pharmacy. Many other healthcare professions allow stools to be used by staff but pharmacy is constantly left out. The lack of this tool increases fatigue, irritation, and physical exhaustion which makes it extremely difficult to do our jobs to the best of our abilities. Especially if the employee has a health condition, and pharmacists are unable to leave the pharmacy outside of their shift. Breaks would likely not be needed as much if pharmacy staff had a useful resting aid that can be used throughout the shift, not interrupting breaks that cause work to pile up and spill onto staff when they come back from said break(s). This makes breaks almost completely unenjoyable. Thank you.	Feedback only
Pharmacy Technician		The breaks should be paid, I cannot afford to loose half an hour of work	Feedback only
Pharmacy Technician		A 1/2 an hour is not enough time to even process my thoughts. By the time I go to the bathroom and get to my car my break is over. I don't bother ordering food because I won't have time to eat. We need at least an hour.	Feedback only
Pharmacist		If pharmacies aren't forced to close for the lunch, many pharmacists will choose not to take it so they don't get further behind. Just having the right to eat isn't enough I don't think. If the pharmacy doesn't close down for a break, many pharmacists will continue to work with no break at all to try to stay caught up. I think a required 30 minute shut down would be a good industry standard to ensure safe practices.	Feedback only

## Mandatory Rest Break Comments

Pharmacist		If a retail pharmacy doesn't have to close for a pharmacist's break, and they are to be available for all "emergencies", I can assure you that will not be a break for that employee. Patients don't get it, unless the gates are closed. This verbiage is too vague. Close like a doctor's office. We never get breaks.	Feedback only
Pharmacist		Please consider adding that pharmacies must close to patient traffic if only one pharmacist is on duty and on break. Techs should still be allowed to fill prescriptions, but if patients are allowed to access the pharmacy the pharmacist will not get a break. Patients are constantly asking questions, needing to be counseled, or requesting vaccines.	Feedback only
Pharmacist		I think the wording of this rule is important. I do not think it makes sense to require or force locations to close because of a break, and so the wording as-is would be appropriate. I feel strongly it should remain that a pharmacy "may, but is not required to close" during these breaks. Similarly, I feel strongly that it should remain that a pharmacist should be allowed to take the break, but no requirement to do so.	Feedback only
Pharmacist		I am concerned about who defines emergencies during the pharmacist's break. If management decides, then the pharmacist is not considered to be on a break.	Feedback only
Pharmacist		the language is way too WEAK. Too many loopholes. 1. if the pharmacist has to sit there and oversee all the activity is that a break? The rule should only contain: (A) -text remains as is (B) - should simply say, the pharmacy WILL CLOSE 30 minutes daily for pharmacist break. Remove (B) 1,2,3,4 Delete (C) and (D) Leave (E) and (F) as is.	Feedback only
Pharmacist		1. Pharmacy should be closed during the break, otherwise it will be difficult to have uninterrupted break. 2. If pharmacists are working over 8 hours, they should be allowed a thirty minute lunch break and two fifteen minute breaks.	Feedback only

## Mandatory Rest Break Comments

Pharmacist		(B) A pharmacy may, but is not required to, close when a pharmacist is on a break. If the pharmacy does not close, the pharmacist shall remain on the premises of the licensed pharmacy and be immediately available for emergencies, and all the following shall apply If a chain pharmacy is allowed to be open during the pharmacist break I do not believe that the pharmacist will actually get a break. I work alone on weekends and even trying to take 5 minutes to eat during a 9 hour shift and am constantly interrupted for required counsels and people waiting on prescriptions. Patients see an open pharmacy and get angry when they are told they have to wait when the pharmacist is using the restroom I can't image how they will react when they are told the pharmacist is taking their break and they will need to wait 30 minutes.	Feedback only
Pharmacist		I think this rule should mandate that the pharmacy closes while the pharmacist is on break. It is near impossible to have an "uninterrupted" break if the pharmacy stays open and the pharmacist has to return to counsel or be available for any question the staff may have while the pharmacist is on break.	Feedback only
Pharmacist		Make the lunch 1 hour because it never truly starts and ends at the same time. There is always one last patient that just "needs help real quick" so lunch is 10-15 mins late making said lunch break only 15 minutes then. Also your BOP is a bunch of wimps that is controlled by the pharmacy chains. Put some teeth to this proposal and quit letting the corporate chains walk all over the profession of pharmacy.	Feedback only

## Mandatory Rest Break Comments

Pharmacist		<p>-This document does not address payment of pharmacists when breaks are not possible. For example, many employers build in involuntary breaks into daily schedules (ie working 10.5 hrs but paid for 10). Please include language that pharmacist should be paid for that time if workload forces them to skip lunch. Currently we are not. In the inpatient setting, this often happens due to emergencies. The 12hr limit will also be impacted because those pharmacists will likely be on site for 12.5hrs. Or, wild idea, require lunches to be paid. Please remove the following section: "The activities of pharmacy technicians and pharmacy interns during a pharmacist rest break shall be considered to be under the direct supervision of a pharmacist if the pharmacist is available on premises during the break and is immediately available to respond to questions by pharmacy technicians or interns. The pharmacist assumes responsibility for all activities performed in the pharmacist's absence."...the reasons I say this are because 1) it encourages the pharmacist to leave the site so as not to have responsibility when they couldn't possibly supervise techs/interns. This constitutes undue liability by saying something is a pharmacist's responsibility in their absence. If one is not physically present in the pharmacy, they cannot observe and supervise. A pharmacist not in the pharmacy but in the same building would fit criteria in the current wording. Please model our breaks as California does.</p>	Feedback only
Pharmacist		<p>Work from home employees who have to meet a quota (I.e. number of verification per hour or orders per hour) should not have to stay over time assigned if quota is not met. My company is based off quotas and if we do not meet them (even if staying over) we are put on an improvement plan or corrective action. Even if phone calls or other tasks pull us away which happens often we are then required to make up the time since we are remote</p>	Feedback only

## Mandatory Rest Break Comments

Pharmacist		Disagree with the 12 hour work limit for institutional pharmacies. We have team members that work double shifts and this eliminates their ability to do so. These individuals are allotted 30 min lunch break each shift already.	Feedback only
Pharmacist		Hours between shifts should be increased from 6 hours to 8 hours to be realistic and actually effective. It takes time for your brain to calm down after a crazy shift.	Feedback only
Pharmacist		I feel that all pharmacies with over 20 employees in the entire company should get a mandated 30 minutes in a six hour day. I do not agree with the idea that a technician is allowed to conduct any kind of business or stay in the pharmacy while the pharmacist is on break outside of the pharmacy.	Feedback only
Pharmacist		Giving employers leeway regarding the option to close will make it easier for employers to require that the pharmacist stays on the premises during their break. The number of interactions that require direct pharmacist intervention will make it substantially more difficult to truly take an uninterrupted break.	Feedback only
Pharmacist		1) If pharmacist(s) are expected to be available, the break must be considered a paid-break. 2) Emergencies as defined by Pharmacist(s) Duty or documented national, state, or local emergencies 3) Determination must be respected without retaliation set by OAC 4729:5-4-01 (B)(25) 4) Hazard Pay (2X Rate) for the entire work time is required if Section E or F is in effect.	Feedback only
Pharmacist		The proposed rule does not contain language that guarantees that if a pharmacy remains open, then the pharmacist is able to have an actual uninterrupted break. The only way that a pharmacist may realistically and actually have a legitimate uninterrupted break is for the pharmacy to close. I implore the board to change the language to ensure that, unless there is another pharmacist on staff, then the pharmacy must close for 1/2 for any pharmacy that has one RPh on staff working > 6 hours per shift.	Feedback only

## Mandatory Rest Break Comments

Pharmacy Technician		based on my limited experience, working in a pharmacy, I don't see how the rule can be applied and practiced without a backup pharmacist. Currently, the pharmacists are given a 30 minute break out of a 12-hour day that is only possible because the pharmacy closes for that time. Any additional breaks would require two pharmacists to be present, so that one could relieve the other for an additional break.	Feedback only
Pharmacy Technician		I believe a payed break would be good not just for technicians, but for the hard working pharmacists as well.	Feedback only
Pharmacist		I do not believe anything will change. There is so much work to do, we currently work thru the 1/2 hour break provided to us while we are closed at a retail chain. That is our choice, but the workload is so heavy, it is our only time to try and catch up.	Feedback only
Pharmacy Intern		With the updated rule, I think it should be required that all pharmacies close 30 min each day. This would allow for truly uninterrupted breaks & would allow the entire staff to break & reset for the rest of their shifts. This would apply to community pharmacy, outpatient clinics/pharmacies & ambulatory care pharmacies; institutional pharmacies, depending on the hospital bed count, may have to remain open. Finally, if this addition is added, it should be required that the pharmacist stays on property incase of emergency situations. Even with this added, it would still allow for a break & to ensure errors do not occur due to exhausted, fatigue or hunger.	Feedback only



Sam Calabrese  
Chief Pharmacy Officer

January 18, 2023

Cameron McNamee  
State of Ohio Board of Pharmacy  
77 South High Street, 17th Floor  
Columbus, OH 43215

**RE: 4729:5-3-22 -Mandatory Rest Breaks**

*Submitted via: [Cameron.mcnamee@bop.ohio.gov](mailto:Cameron.mcnamee@bop.ohio.gov), [www.pharmacy.ohio.gov/comments](http://www.pharmacy.ohio.gov/comments)*

Dear Cameron:

Cleveland Clinic is a not-for-profit, integrated healthcare system dedicated to patient-centered care, teaching and research. With a footprint in Northeast Ohio, Florida and Nevada, Cleveland Clinic Health System operates 19 hospitals with more than 6,400 staffed beds, 21 outpatient Family Health Centers, 11 outpatient surgery locations and numerous physician offices. Cleveland Clinic employs over 5,000 physicians and scientists. Last year, our system cared for 2.9 million unique patients, including 10.2 million outpatient visits and 304,000 hospital admissions and observations. The following are the comments of Cleveland Clinic in response to the above-captioned proposed rule.

**Proposed Language 4729:5-3-22(A)**

A pharmacist, pharmacist-intern, or pharmacy technician working longer than six continuous hours per day shall be allowed during that time period to take a 30-minute, uninterrupted break.

**Cleveland Clinic Comments**

While we certainly agree that pharmacy staff should have breaks, we are concerned with the proposed language as mandating an uninterrupted break could create unintended consequences in patient care and confusion for pharmacists and staff. Below are some examples to illustrate our questions and concerns.

Example 1: Oftentimes, because of staffing needs, third shift pharmacists are working with other staff but may be the only pharmacist on shift in a hospital. If a solo pharmacist is on their 30 minute mandated break and there is an emergency in the ICU where a patient needs immediate medication, the 30 minute delay could put the patient at serious risk. If the break is interrupted, does the pharmacist continue with their break after the interruption and then restart the 30 minute clock? How does the Board suggest that the breaks are documented as salaried employees do not have a timeclock and there is no mechanism to track the 30 minute break.

Example 2: A physician and pharmacist have been consulting on the best medication for an inpatient. The physician calls back to the pharmacy with additional information for the

pharmacist to help make the medication decision, but the pharmacist is on their 30 minute break. While another pharmacist could step in and work with the physician, because the first pharmacist already has been engaged with the physician to develop the best solution for the patient, it is in the best interest of the patient to interrupt the first pharmacist to finalize the medication for the patient.

Consistent with these comments, we suggest the agency instead adopt the following language: A pharmacist, pharmacist-intern, or pharmacy technician working longer than six continuous hours per day shall be allowed during that time period to take a 30-minute, ~~uninterrupted~~ break.

**Proposed Language 4729:5-3-22 (D)**

For outpatient pharmacies open to the public, breaks shall be scheduled as close as possible to the same time each day so that patients may become familiar with the approximate break times.

**Cleveland Clinic Comments**

While we understand the intent of the proposed rule, for breaks to occur at the same time each day so that the public is familiar with closings, we are concerned with mandating this for all pharmacies regardless of care setting. Mandating this in all care locations may cause an interruption in service for patients who are being seen in a family health center setting and expect to be able to access their medication upon completion of their visit. For example, if a patient brings an infant to a family health center because of an ear infection, the baby is likely fussy and uncomfortable. If the parent is forced to wait additional time on top of the normal wait time for the baby's prescription or if they have to come back to the pharmacy, we have not only inconvenienced the parent, we run the risk of delaying care to the baby if the parent cannot get back to the pharmacy in the same day. We think it is in the best interest of patients and pharmacists if the pharmacist is able to manage their break at a time that they feel is most appropriate.

Further, OAC 4729:5-902.10 allows for the temporary absence of a pharmacist in an institutional pharmacy. This permits the pharmacist to "leave the pharmacy to engage in the practice of pharmacy...without closing the pharmacy and removing staff". The expectation to close a pharmacy and remove staff while a pharmacist is on break for 30 minutes would add to the disruption of patient care. It would prevent the ability of pharmacy technicians or pharmacy interns to continue to prepare medications within their scope of responsibility.

Consistent with these comments, we suggest the agency instead adopt the following language:

For outpatient pharmacies open to the public that have determined a consistent break time is appropriate for their location and results in a service interruption, breaks shall be scheduled as close as possible to the same time each day so that patients may become familiar with the approximate break times.

Thank you for conducting a thoughtful process that allows us to provide input on such important issues. Should you need any further information, please don't hesitate to contact me.

Sincerely,





Sam Calabrese, RPh, MBA, FASHP  
Chief Pharmacy Officer

To: The State of Ohio Board of Pharmacy

From: The University of Toledo Medical Center (UTMC)

Thank you for the opportunity to provide feedback on the proposed rule regarding mandatory breaks and rest periods for pharmacy personnel. UTMC appreciates the proposed rule's intent, but if enacted, recognizes unintended consequences. Major concerns are outlined below.

#### Inpatient Hospital Pharmacy with 24-7 operations

Third shift pharmacists work 12-hour shifts without dedicated break time, as they are the only licensed pharmacist within the department.

- Major Concern: If a break is mandated, this may lead to a direct impact on patient care in the timely delivery and receipt of medications that are needed for hospital inpatients as well as during hospital codes and other responsibilities needing attention as workloads and responsibilities are varied. Hospitals must provide care for patients, and this rule would affect their ability to do so.
  - Recommendation: Allow for exemption of terminal distributors of hospital inpatient departments.

#### Outpatient Pharmacy

Pharmacists in the outpatient setting work on Saturdays from 9am to 5pm with at minimum two additional support staff (either pharmacy technicians or interns) filling on average 100 prescriptions. Breaks are not mandated however ample staff is scheduled within the department based on volume to allow staff to eat, go to the bathroom, etc. Current survey of staff within the department indicated that there is enough time to complete all tasks safely and accurately. In addition, current staff voiced concerns on the severe impact to patient care if enacted.

- If a break is mandated, this may directly impact patient care in the timely filling, dispensing and delivery of prescriptions needed for patients discharged from the hospital and those dispensed to patients/employees.
  - Recommendation #1: Allow for exemption of terminal distributors of outpatient/clinic pharmacy departments.
  - Recommendation #2: The intent of the workload survey was to evaluate the workload conditions of pharmacy professionals. Mandating all pharmacy personnel to breaks in those departments with adequate staffing adjusted to volumes and workload responsibilities must be considered. The current UTMC outpatient pharmacy departments do not have drive-thrus and other pharmacy led responsibilities (e.g., Covid testing, number of immunizations, MTM's) that occur in the retail setting.

#### Clinical Specialists

- Major Concern: Clinical specialists in non-dispensing roles exist in both inpatient and outpatient departments. Mandating uninterrupted breaks for positions that are utilized in urgent and critical situations is not feasible and will negatively impact patient care.
  - Recommendation: Exempt clinical specialists in non-dispensing roles from this rule.

### Pharmacy Residents

- Major Concern: Current residents have on-call requirements within the design of the residency program in which at least once per week residents are working/on-call from 7am to 9pm without a specified rest time. The program follows and fulfills all ASHP duty hour requirements for residents. A current UTMC policy is in place addressing resident duty hours.
  - Recommendation: Exempt pharmacy residents from the proposed rule as long as all ASHP duty hour requirements are maintained and fulfilled.

### Definition of Emergency

Further clarification is needed--Within the proposed rule it is mentioned that a pharmacist is required to be on premise if the pharmacy is to remain open during breaks and is to be immediately available for emergencies:

- What constitutes an emergency?
- What are the OSBP requirements for documenting an emergency?

The UTMC Department of Pharmacy values the contributions our profession provides on patient care. Significant consideration must be given to the above as there is not a “one size fits all” approach to solving the disparities in workload amongst pharmacy staff and the various pharmacy work settings. This proposed rule needs adjusted considering volumes and responsibilities within each workplace setting ensuring pharmacists balance patient care responsibilities with ample time for breaks.

Thank you for allowing a time for comments and UTMC welcomes further progress and discussions as it pertains to revisions of the proposed rule.

Respectfully submitted,

The University of Toledo Medical Center, Department of Pharmacy

Holly Smith, Pharmacy Director [Holly.Smith3@utoledo.edu](mailto:Holly.Smith3@utoledo.edu)

Jenn Len, PharmD Candidate 2023 [Jenna.Len@rockets.utoledo.edu](mailto:Jenna.Len@rockets.utoledo.edu)

January 11, 2023

Members of the Ohio Board of Pharmacy,

We are writing on behalf of ScriptHero Pharmacy (License #: 0234000008), ScriptHero Pharmacy LLC D.B.A Health Forward Pharmacy (License #: 0230000014), CoverMyMeds Specialty Pharmacy LLC (License #: 0234000016) to express support of the Proposed Rule: 4729:5-3-22 – Mandatory Rest Breaks and provide feedback for your consideration.

### **General Rule Feedback**

- We suggest clarifying whether the mandatory rest break can be combined with the lunch break. Employees may want to combine both breaks – which could lead to a strain on operations and support.
- We suggest clarifying whether an employee can decline the mandatory break. For various reasons, an employee may decline to take their mandatory break. As written, the rule would not permit this allowance which would lead to a negative impact on the employee experience.
- We suggest delineating between salary and hourly employees. OAC 3352-5-06 outlines requirements for working hours, mealtimes, and rest periods for hourly staff. Because pharmacists and technicians can be salaried or hourly, this delineation would provide more clarity to us on whom to apply the rule without conflicting with the other law requirements.

### **Section D Feedback**

- We suggest writing the language in a “Best Practice” tone versus a requirement. Requiring to schedule breaks as close as possible to the same time each day may not be sustainable based on various factors that are outside of our control (ie high volume, short staffed, etc). See proposed revision below.

### **Section E Feedback**

- As written, we are required to document emergencies that necessitate noncompliance to this rule. Without an established standard for documented emergencies and recordkeeping requirements, we suggest removing certain terminology from the rule. See proposed revision below.

### **Section F Feedback**

- As written, the rule does not include pharmacy technicians or interns. See proposed revision below.

## Suggested Revisions

(A) A pharmacist, pharmacist-intern, or pharmacy technician working longer than six continuous hours per day shall be allowed during that time period to take a 30-minute, uninterrupted break.

(B) A pharmacy may, but is not required to, close when a pharmacist is on a break. If the pharmacy does not close, the pharmacist shall remain on the premises of the licensed pharmacy and be immediately available for emergencies, and all the following shall apply:

(1) Except as provided in paragraph (B)(2) pharmacy technicians, pharmacy interns, and support personnel, authorized by the pharmacist on duty, may continue to perform duties as allowed under this chapter;

(2) The pharmacist on-duty may limit the activities performed by pharmacy technicians, pharmacy interns, and support personnel;

(3) No duties reserved to pharmacists and pharmacist interns in accordance with Chapter 4729. and rules adopted thereunder, or that require the professional judgment of a pharmacist, may be performed by pharmacy technicians or support staff; and

(4) Only prescriptions that have been dispensed by a pharmacist may be sold while the pharmacist is on break, unless those prescriptions requiring pharmacist counseling or the pharmacy has established a process to provide counseling via video, telephonic, or other electronic means.

(C) The activities of pharmacy technicians and pharmacy interns during a pharmacist rest break shall be considered to be under the direct supervision of a pharmacist if the pharmacist is available on premises during the break and is immediately available to respond to questions by pharmacy technicians or interns. The pharmacist assumes responsibility for all activities performed in the pharmacist's absence.

(D) For outpatient pharmacies open to the public, breaks ~~shall~~ **should** be scheduled as close as possible to the same time each day so that patients may become familiar with the approximate break times.

(E) The requirements set forth in this rule shall not apply if an **documented** emergency necessitates that a pharmacist, pharmacy intern, or pharmacy technician work longer than 12 continuous hours, work without taking required meal breaks, or have a break interrupted to minimize immediate and serious health risks for patients.

(F) Except in an **documented** emergency, a terminal distributor of dangerous drugs shall not require a pharmacist, **pharmacy intern, or pharmacy technician** to work longer than 12

continuous hours in any workday and shall allow at least six hours of off-time between consecutive shifts.

We appreciate your consideration of our feedback and revision request. We hope that we can continue to help Ohio lead as a forward-looking advocate for our profession. By accepting our suggested revisions and general feedback, we believe this rule will help allow our pharmacies tackle several workload, burnout, and safety concerns highlighted in the survey data. Thank you for this opportunity.

Sincerely,

**Kembral Nelson, PharmD, MS, BCSCP**

Pharmacist in Charge, ScriptHero Pharmacy and ScriptHero Pharmacy LLC D.B.A Health Forward Pharmacy

**Mikayla Pennington, PharmD**

Pharmacist in Charge, CoverMyMeds Specialty Pharmacy LLC

**Mandatory Pharmacy Breaks**  
**Kroger Health Comments**

Kroger Health pharmacists, interns, and technicians provide outstanding care every day, helping our patients live healthier lives. Like all facets of healthcare, the pharmacy industry continues to experience extraordinary changes resulting in new opportunities to do pharmacy differently, both for patients and for employees. Kroger Health is committed to making real improvements and providing a healthy work environment for our pharmacy teams across the board.

Part of making those improvements has included surveying our teams and learning what works best for them based on their needs. We have worked hard to establish standard schedules and working hours that are most effective for our pharmacy associates across the state of Ohio based on our customer base, location and volume of customers in our various stores.

The changes we have made within our pharmacies regarding 30 minute, 1 pm prescribed breaks have led to a more consistent schedule expectation for both our associates and our customers that would be difficult to change at this point.

Mandatory break periods do not take into consideration the current labor or workforce agreements within various localities across the state and thus could introduce serious labor implications for our pharmacies and pharmacists.

We believe in extending autonomy to our pharmacy teams, thus allowing them to create their schedules based on what works best for them, their colleagues and their stores' needs.

These practices have helped to establish Kroger Health pharmacies as an employer of choice as well as a trusted community resource.

For these reasons, we believe the Ohio Board of Pharmacy recommended mandatory breaks are unnecessary.

January 20, 2023

Steven W. Schierholt, Esq.  
Executive Director  
Ohio Board of Pharmacy  
77 S. High St., 17<sup>th</sup> Floor  
Columbus, OH 43215

Re: OHA Comments on Proposed Rule 4729:5-3-22 – Mandatory Rest Breaks  
Submitted via: [www.pharmacy.ohio.gov/comments](http://www.pharmacy.ohio.gov/comments)

Dear Executive Director Schierholt:

The Ohio Hospital Association appreciates the opportunity to comment on the Pharmacy Board's proposed rule regarding Mandatory Rest Breaks for pharmacists and other staff. Our 247 hospital members and 15 health system members value the Board's willingness to receive our feedback and the collaborative relationship we have with the Board.

Ohio's hospitals and health systems share the Board's goal of ensuring both the well-being of pharmacy staff and the provision of safe care to patients. However, we have heard from a broad cross-section of our members that the proposed rule is simply impractical in the hospital setting. Hospitals' more specific feedback follows.

As an initial matter, it is our understanding that the proposed rule is being offered in response to a survey conducted by the Board regarding pharmacy staff job stress. It is also our understanding that the overwhelming majority of respondents to the survey are employed in a retail pharmacy setting. OHA appreciates the challenges being experienced by pharmacists and virtually every other health care provider, as hospitals have been on the front lines of the pandemic response and are dealing with significant workforce shortages. However, the operational differences between retail pharmacies and hospital pharmacies, and the differences in the patients they treat, are important to acknowledge and render rules such as this one impossible to implement in a hospital setting. **We strongly urge the Board to carve hospital pharmacies out of the rule.**

The proposed rule would require a mandatory 30-minute break during each shift, and allows the pharmacy to either close or continue limited operations in the absence of the pharmacist. Some of the operational challenges of this provision include:

- Closing a hospital pharmacy to accommodate a mandatory break is not practical from a patient care perspective under most circumstances, as described in more detail below. Further, doing so creates problems under federal law. The federal conditions of participation for Medicare (CoPs) require hospitals to ensure sufficient personnel are available to respond to the pharmaceutical needs of the patient population being served by the hospital. Specifically, the hospital pharmacy must have an adequate number of personnel to ensure quality pharmaceutical services, including 24 hour, 7-day emergency coverage (or other arrangement for emergency services). In addition, "[t]he number of pharmacists and/or the number of hours of services provided by pharmacists at the hospital must



meet and be in accordance with the needs of its patients and accepted professional principles . . . , and reflect the scope and complexity of the hospital’s pharmaceutical services. There must be sufficient numbers and types of personnel to provide accurate and timely medication delivery, ensure accurate and safe medication administration and to provide appropriate clinical services as well as the participation in continuous quality improvement programs that meet the needs of the patient population being served.” See 42 CFR 482.25(a)(2) and CMS’ corresponding Interpretive Guidelines. The proposed rule creates a situation where a hospital pharmacy could be out of compliance with federal law by complying with state law.

- Hospital pharmacy professionals do not believe it is safe to continue to operate a hospital pharmacy without a pharmacist present.
- The proposal increases unacceptable liability exposure for pharmacists, as it requires that the activities of pharmacy technicians and pharmacy interns are deemed to be performed under the direct supervision of the absent pharmacist. No pharmacist would accept the liability risk for duties performed in their absence. Imposing liability on a pharmacist for taking a mandatory break is concerning.
- The rule requires the pharmacist on the break to be “immediately available” to answer questions. If the pharmacist is “immediately available” to answer questions, then the pharmacist is really not on a break.
- Subsections (B) and (E) refer to “emergencies” for which the pharmacist on the mandatory break would be required to respond (subsection B) or for which the mandatory break is not required (subsection (E)). However, “emergency” is not defined, and if it is defined, it is likely that a large number of scenarios that occur in hospitals would render the rule moot, as the “emergency” exceptions would swallow the rule.
- The rule will result in delays in care to hospital patients. Hospital pharmacists are often consulted by physicians and other clinicians regarding patient care issues. Mandatory breaks will result in delays in patient care, not just for the patient whose clinician is trying to contact the pharmacist on a break, but all other patients whose care will be delayed as the pharmacist returns from the break to a stack of messages and orders that the pharmacist is now behind on and has to work through.
- Hospital pharmacists receive “stat” orders all the time for life-saving medications, and they are required to respond to those order in a matter of minutes. Patients will be harmed if the pharmacist is required to take a break.
- Another example is a situation where there are two pharmacists covering a night shift. One of the pharmacists has been called to cover a trauma case. The other pharmacist is on the required break. A nurse calls the pharmacy with a drug compatibility question prior to inserting a syringe into the patient. Under the proposed rule, the nurse would have to wait 30 minutes until the pharmacist’s break is over to get the question answered and administer the drug. There are countless examples in a hospital setting where patient care will be adversely impacted by this rule. This example also highlights potential conflict with federal law, which requires the hospital to have a process in place for medication orders to be received in the pharmacy and dispensed in a safe and timely manner and in accordance with accepted standards of practice. See Interpretive Guidelines to 42 CFR 482.25(b)(1). A 30-minute delay in the example above would not be consistent with an acceptable standard of practice.
- Even patients receiving services from hospital outpatient pharmacies will have care delayed if this rule applies in those settings. For example, many health systems have community family health

Executive Director Schierholt  
January 20, 2023  
Page 3

centers with a variety of different primary care providers and a pharmacy attached. A mother who has received care for a child in the pediatrician's office at the family health center, and who is sent downstairs to the pharmacy to pick up a prescription on her way out would potentially face at least a 30-minute delay in receiving the prescription (the break time plus time spent dealing with a backlog that resulted during the break). Some parents will be forced to leave to go back to work, rather than wait, and may not make it back to the pharmacy.

We also heard from several hospital pharmacists who would be insulted to be required to take a break. They view the proposed rule as a degradation of their professionalism and their necessary and valuable role in the direct care of patients. They do not want to have to ignore a cardiologist's call regarding a patient care issue because they are on a mandatory break.

OHA believes many of the problems identified by survey respondents are applicable in the retail pharmacy space and that the broad rule that would apply to all holders of terminal distributor licenses is simply unworkable in a hospital pharmacy. We strongly urge the Board to carve hospital pharmacies out of this rule and to regulate retail and hospital pharmacies differently in this respect, just as it does in many other instances. Hospitals are cognizant of the many stresses facing pharmacists and other health care providers and work hard to address those while maintaining high patient care standards. Broad rules such as this one will impair hospitals' ability to meet those standards and will adversely impact patient care.

Thank you again for the opportunity to provide feedback from the hospital pharmacy and pharmacist perspective. OHA would be happy to convene a discussion with some hospital pharmacy leaders to further explore this issue and further share the patient-care implications the proposed rule would cause.

We look forward to continuing to work with the Board on this issue and others.

Sincerely,



Sean McGlone  
Sr. V.P. & General Counsel

cc: Cameron McNamee, Ohio Board of Pharmacy

Ohio Pharmacy Leadership Coalition (OPLC)

Response to [Rule for Stakeholder Feedback – Mandatory Breaks / Rest Periods](#)

Date Issued: 12/13/2022

Comments Due: 1/20/23

To the Ohio State Board of Pharmacy,

OPLC advocates for safe working conditions for all pharmacy personnel, including appropriate breaks and respite from duties to ensure patient care is of the highest quality and safety. OPLC appreciates the intent of establishing standards to ensure appropriate working conditions are upheld.

This rule may have unintended negative patient care and safety consequences for terminal distributors of institutional facilities where care is provided on a 24x7 basis and acuity of patients is significantly higher than community settings. In these settings, pharmacists are highly valued professionals, similar to nurse practitioners and physicians.

Two examples of how this may negatively impact patient care are provided for context:

- It is common for hospitals to staff one or two pharmacists during off shifts to ensure a pharmacist is available for emergent and urgent patient care and to keep hospital pharmacy operations running smoothly. Pharmacists will often attend and participate in codes and traumas. Because of the nature of inpatient care delivery, workload is highly variable. It is impractical and unsafe to halt hospital pharmacy operations for 30 minutes when downtime occurs at different times of the night. Health systems design off shift staffing rotations with built-in perks to account for the demands of the job.
- If a hospital is staffing two pharmacists and one is attending a code/trauma while the other is on their break and a nurse calls down to the pharmacy with a compatibility or other drug information question, it will negatively impact patient care to inform the nurse that the pharmacist is unavailable. In that case, the nurse (who may have a syringe of medication in their hand) will then need to make a judgement call on delaying the delivery of a dose (and what to do with the medication they now have ready to administer) versus proceeding in the face of uncertainty and administering a medication which could potentially create an adverse event for the patient. It will be a deep dissatisfier for our nursing partners and put their licenses at risk as well.

In response to the proposed rule 4729:5-3-22 – Mandatory Rest Breaks, OPLC suggests the following improvements:

- Primary Recommendation: Exempt terminal distributors of institutional facilities from this rule.
  - Workload surveys completed in 2020 and 2021 identified this issue primarily in the outpatient pharmacy setting.
  - Hospitals are obligated to provide care to any patient who arrives in their emergency departments or is admitted.

- Small and/or rural hospitals may only have one pharmacist on staff during some periods. **This rule could result in delay of care, or override workarounds bypassing pharmacist verification, reducing patient safety.**
- OPLC advises that institutional facilities have policies that govern appropriate breaks and respite time for all clinical personnel.
  - Exempt status (per Department of Labor enforcement of the Fair Labor Standards Act (FLSA)) applies to most pharmacist personnel in health-systems and this rule, while well intended, may not apply correctly to exempt associates.
  - Exempt employees (pharmacists) can occupy a range of positions, such as management, clinical roles, coordinator roles, remote verification, and are paid salary (not hourly) based upon the exempt status.
  - Exempt associates are not required to/do not clock-in and clock-out, increasing the documentation burden for mandatory breaks. Using existing systems to document the breaks when they are occurring may be contrary to the payroll practices of institutional settings.

In summary, members of OPLC appreciate and respect the intent of this rule. Health-systems deeply value the professional contributions and essential role of pharmacists. The differences in practice settings call for different management strategies to ensure pharmacists have appropriate respite during their shifts.

OPLC membership would welcome the opportunity to further discuss potential revisions to this proposed rule with the Board of Pharmacy representatives.

Respectfully submitted,

Institutional Pharmacy Representatives on OPLC

Chair: John Feucht, [feuchtj@summahealth.org](mailto:feuchtj@summahealth.org)  
Co-Chair: Amy Dickson, [amy.dickson@mchs.com](mailto:amy.dickson@mchs.com)



January 20, 2023

**Re: Request for Stakeholder Feedback; Mandatory Breaks / Rest Periods**

Dear Ohio Board of Pharmacy,

The Ohio Society of Health System Pharmacy would like to express its support for the proposed rule 4729:5-3-22, "Mandatory Rest Breaks" issued by the State of Ohio Board of Pharmacy on December 13, 2022. This rule stipulates that a pharmacist, pharmacist-intern, or pharmacy technician working longer than six continuous hours per day shall be allowed during that period to take a 30-minute, uninterrupted break.

While we concur that the well-being and safety of pharmacy personnel is of paramount importance, and that this rule will promote a healthier and more sustainable work environment for our pharmacists, pharmacist-interns, and pharmacy technicians, particularly during these challenging uncertain times, we would like to raise a concern with respect to a specific provision of the rule.

Specifically, we have a reservation about the provision that allows for the dispensing of new prescriptions that require counseling without a pharmacist being present. Given the high level of misinformation and disinformation that is prevalent today, and the reduction of pharmacist services to an optional feature, we believe it is imperative for pharmacists to be present for counseling and communication with patients.

As the most accessible profession in healthcare, we believe it is our duty to directly provide counseling and communication with patients, especially those with chronic illnesses. These services may be provided in-person, or if needed, virtually. We believe that prioritizing the availability of counseling services, whether in-person or virtual, will allow pharmacies to develop innovative solutions that keep the continuity of care and patient safety provisions intact, all while ensuring the well-being of pharmacy personnel. The intimate knowledge that pharmacists possess about their patients is irreplaceable and cannot be replicated through informational packets. Additionally, we recognize that there is a racial disparity in access to medical services, and it is imperative that all patients have access to the expertise and knowledge of pharmacists, particularly those who may be disproportionately affected by this disparity.

Sincerely,

The Ohio Society of Health System Pharmacy

January 18, 2023

Steven Schierholt, Esq.  
Executive Director  
Ohio State Board of Pharmacy 77  
S High Street  
Columbus, OH 43215

**Re: Request for comments – 4729:5-3-22: [Mandatory breaks/rest periods](#)**

Dear Director Schierholt,

On behalf of The Ohio State University Wexner Medical Center (OSUWMC), we appreciate the opportunity to provide feedback on your recent request for public comments on “4729:5-3-22: Mandatory breaks/rest period”. We would first like to express gratitude to the Board of Pharmacy for working to seek feedback and addressing the many workplace concerns that are creating negative implications for Ohio pharmacists and pharmacy personnel. Many of the concerns shared by pharmacy personnel in Ohio have identified fear that patient safety and well-being are being compromised due to workplace issues.

OSUWMC is an academic medical center that provides over 1.9 million outpatient visits, over 60,000 patient admissions, and over 130,000 emergency department visits each year. OSUWMC recognizes the importance of the pharmacist as a member of the healthcare team and utilizes the expertise of the pharmacist in a variety of patient care settings across OSUWMC, including, but not limited to, community pharmacies, inpatient generalists, inpatient specialists, ambulatory care generalists, and ambulatory care specialists. With multiple licensed outpatient pharmacies across Central Ohio, these rules are relevant to the workplace practices of our pharmacies.

As written, these rules seem to be directed toward a traditional large retail pharmacies. The rules do not seem to consider the acuity of other settings in which pharmacy personnel may operate, such as hospitals, infusion clinics, surgery centers, etc. We understand that this focus on large public facing outpatient pharmacy is likely due to survey responses primarily indicating that this an issue in the outpatient pharmacy setting. We appreciate the positive the intent of this rule, but we do fear that if implemented, as written, would lead to unintended consequences for terminal distributors of institutional facilities. As such, we feel that these rules should **exclude terminal distributors of institutional pharmacies and terminal distributors of outpatient pharmacies owned by an institution** because of:

Patient acuity

- Closing a hospital pharmacy to accommodate a mandatory break is not practical from a patient care perspective under most circumstances, as described in more detail below. Further, doing so creates problems under federal law. The federal conditions of participation for Medicare (CoPs) require hospitals to ensure sufficient personnel are available to respond to the pharmaceutical needs of the patient population being served by the hospital. Specifically, the hospital pharmacy must have an adequate number of personnel to ensure quality pharmaceutical services, including 24 hour, 7-day emergency coverage (or other arrangement for emergency services). In addition, “[t]he number of pharmacists and/or the number of hours

of services provided by pharmacists at the hospital must meet and be in accordance with the needs of its patients and accepted professional principles . . . , and reflect the scope and complexity of the hospital's pharmaceutical services. There must be sufficient numbers and types of personnel to provide accurate and timely medication delivery, ensure accurate and safe medication administration and to provide appropriate clinical services as well as the participation in continuous quality improvement programs that meet the needs of the patient population being served." See 42 CFR 482.25(a)(2) and CMS' corresponding Interpretive Guidelines. The proposed rule creates a situation where a hospital pharmacy could be out of compliance with federal law by complying with state law.

- In higher acuity pharmacy settings, it is not reasonable or appropriate to shut down the pharmacy for any period during business hours. Any potential shut down could have a negative impact on patient care due. In acute care settings, pharmacy often provides code/emergency response. These emergencies can happen at any time without any prior notice and in these sudden situations, arranging alternative coverage is not attainable. Further, we do not want to promote workarounds or increased use of overrides bypassing pharmacist verification due to the requirements of this rule.
- An uninterrupted 30-minute lunch cannot always be guaranteed. We strive to provide staffing that allows for lunch coverage, but in smaller locations (i.e., an inpatient pharmacy satellite, areas servicing operating rooms, or infusion locations), an uninterrupted lunch cannot be ensured. This is in part because there are not always additional staff in that facility to provide coverage. Often in these areas there are slower periods where a staff member can take their lunch, but they remain available to answer the phone, check product, or deal with any emergency to avoid any patient care delay/harm. As currently written, if a pharmacy staff member answered a quick question, then the staff member should be granted an additional 30-minute uninterrupted period.
- Even patients receiving services from **hospital outpatient pharmacies** will have care delayed if this rule applies in those settings. For example, many health systems have community family health centers with a variety of different primary care providers and a pharmacy attached. A mother who has received care for a child in the pediatrician's office at the family health center, and who is sent downstairs to the pharmacy to pick up a prescription on her way out would potentially face at least a 30-minute delay in receiving the prescription (the break time plus time spent dealing with a backlog that resulted during the break). Some parents will be forced to leave to go back to work, rather than wait, and may not make it back to the pharmacy.

#### Existing Practices and Policies

- At OSUWMC, pursuant to university requirements, nonexempt staff are asked when clocking out to respond to a question that asks if the employee received a 30-minute, uninterrupted lunch. If the employee marks that he or she did not receive this 30-minute uninterrupted lunch, then the employee's standard 30-minute lunch pay deduction is removed and the employee receives compensation for this time (if the employee is over 40h for the week then this is paid at the overtime rate).
- Some pharmacy positions (i.e. pharmacy directors, pharmacy managers, support personnel, pharmacy specialists, informatics pharmacists) are considered exempt staff by Department of Labor standards. Exempt

staff do not clock-in or clock-out and as such they do not complete this attestation but have increased flexibility around their worked time due to their exempt status. Additionally, there isn't a mechanism to have an exempt staff member to clock in and out because they are exempt.

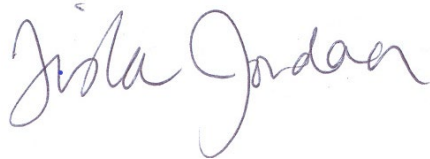
- Given the relationship with the medical teams many of our staff stated they would be insulted to be required to take a break. They view the proposed rule as a degradation of their professionalism and their necessary and valuable role in the direct care of patients. They do not want to have to ignore a cardiologist's call regarding a patient care issue because they are on a mandatory break.
- In addition, there may be situations when an employee (exempt or non-exempt) may decide to work through their uninterrupted lunch period – to complete other tasks, potentially leave early at the end of the day, etc. As a department we always recommend that the staff take their lunch break but do allow flexibility for the employee to make this decision if needed.

#### Liability

- The proposal increases unacceptable liability exposure for pharmacists, as it requires that the activities of pharmacy technicians and pharmacy interns are deemed to be performed under the direct supervision of the absent pharmacist. No pharmacist would accept the liability risk for duties performed in their absence. Imposing liability on a pharmacist for taking a mandatory break is concerning.

OSUWMC supports the Board of Pharmacy's steps to address workplace environments putting patients and pharmacy personnel at risk, **and strongly recommend that terminal distributors of institutional pharmacies are excluded due to the patient acuity experienced in these settings as well as existing practices and policies in place that already support the general intent of this rule.** If terminal distributors of institutional pharmacies cannot be excluded from this rule, then we highly encourage the Board to bring together hospital pharmacy leaders to develop rules that work for the institutional setting and do not put patient safety at risk. I would be happy to discuss these recommendations further at the e-mail listed below.

Sincerely,



Trisha A. Jordan, PharmD, MS  
Administrator and Chief Pharmacy Officer  
Assistant Dean for Medical Center Affairs  
The Ohio State University Wexner Medical Center  
College of Pharmacy  
[Trisha.jordan@osumc.edu](mailto:Trisha.jordan@osumc.edu)



January 18, 2023

Steven Schierholt, Esq.  
Executive Director  
Ohio State Board of Pharmacy 77  
S High Street  
Columbus, OH 43215

**Re: Request for comments – 4729:5-3-22: [Mandatory breaks/rest periods](#)**

Dear Director Schierholt,

On behalf of The Ohio State University Wexner Medical Center (OSUWMC), we appreciate the opportunity to provide feedback on your recent request for public comments on “4729:5-3-22: Mandatory breaks/rest period”. We would first like to express gratitude to the Board of Pharmacy for working to seek feedback and addressing the many workplace concerns that are creating negative implications for Ohio pharmacists and pharmacy personnel. Many of the concerns shared by pharmacy personnel in Ohio have identified fear that patient safety and well-being are being compromised due to workplace issues.

OSUWMC is an academic medical center that provides over 1.9 million outpatient visits, over 60,000 patient admissions, and over 130,000 emergency department visits each year. OSUWMC recognizes the importance of the pharmacist as a member of the healthcare team and utilizes the expertise of the pharmacist in a variety of patient care settings across OSUWMC, including, but not limited to, community pharmacies, inpatient generalists, inpatient specialists, ambulatory care generalists, and ambulatory care specialists. With multiple licensed outpatient pharmacies across Central Ohio, these rules are relevant to the workplace practices of our pharmacies.

As written, these rules seem to be directed toward a traditional large retail pharmacies. The rules do not seem to consider the acuity of other settings in which pharmacy personnel may operate, such as hospitals, infusion clinics, surgery centers, etc. We understand that this focus on large public facing outpatient pharmacy is likely due to survey responses primarily indicating that this an issue in the outpatient pharmacy setting. We appreciate the positive the intent of this rule, but we do fear that if implemented, as written, would lead to unintended consequences for terminal distributors of institutional facilities. As such, we feel that these rules should **exclude terminal distributors of institutional pharmacies and terminal distributors of outpatient pharmacies owned by an institution** because of:

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- In higher acuity pharmacy settings, it is not reasonable or appropriate to shut down the pharmacy for any period during business hours. Any potential shut down could have a negative impact on patient care due. In acute care settings, pharmacy often provides code/emergency response. These emergencies can happen at any time without any prior notice and in these sudden situations, arranging alternative coverage is not attainable. Further, we do not want to promote workarounds or increased use of overrides bypassing pharmacist verification due to the requirements of this rule.
- An uninterrupted 30-minute lunch cannot always be guaranteed. We strive to provide staffing that allows for lunch coverage, but in smaller locations (i.e., an inpatient pharmacy satellite, areas servicing operating rooms, or infusion locations), an uninterrupted lunch cannot be ensured. This is in part because there are not always additional staff in that facility to provide coverage. Often in these areas there are slower periods where a staff member can take their lunch, but they remain available to answer the phone, check product, or deal with any emergency to avoid any patient care delay/harm. As currently written, if a pharmacy staff member answered a quick question, then the staff member should be granted an additional 30-minute uninterrupted period.
- Even patients receiving services from **hospital outpatient pharmacies** will have care delayed if this rule applies in those settings. For example, many health systems have community family health centers with a variety of different primary care providers and a pharmacy attached. A mother who has received care for a child in the pediatrician's office at the family health center, and who is sent downstairs to the pharmacy to pick up a prescription on her way out would potentially face at least a 30-minute delay in receiving the prescription (the break time plus time spent dealing with a backlog that resulted during the break). Some parents will be forced to leave to go back to work, rather than wait, and may not make it back to the pharmacy.

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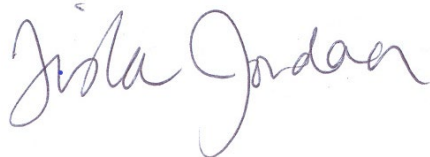
- Given the relationship with the medical teams many of our staff stated they would be insulted to be required to take a break. They view the proposed rule as a degradation of their professionalism and their necessary and valuable role in the direct care of patients. They do not want to have to ignore a cardiologist's call regarding a patient care issue because they are on a mandatory break.
- In addition, there may be situations when an employee (exempt or non-exempt) may decide to work through their uninterrupted lunch period – to complete other tasks, potentially leave early at the end of the day, etc. As a department we always recommend that the staff take their lunch break but do allow flexibility for the employee to make this decision if needed.

#### Liability

- The proposal increases unacceptable liability exposure for pharmacists, as it requires that the activities of pharmacy technicians and pharmacy interns are deemed to be performed under the direct supervision of the absent pharmacist. No pharmacist would accept the liability risk for duties performed in their absence. Imposing liability on a pharmacist for taking a mandatory break is concerning.

OSUWMC supports the Board of Pharmacy's steps to address workplace environments putting patients and pharmacy personnel at risk, **and strongly recommend that terminal distributors of institutional pharmacies are excluded due to the patient acuity experienced in these settings as well as existing practices and policies in place that already support the general intent of this rule.** If terminal distributors of institutional pharmacies cannot be excluded from this rule, then we highly encourage the Board to bring together hospital pharmacy leaders to develop rules that work for the institutional setting and do not put patient safety at risk. I would be happy to discuss these recommendations further at the e-mail listed below.

Sincerely,



Trisha A. Jordan, PharmD, MS  
Administrator and Chief Pharmacy Officer  
Assistant Dean for Medical Center Affairs  
The Ohio State University Wexner Medical Center  
College of Pharmacy  
[Trisha.jordan@osumc.edu](mailto:Trisha.jordan@osumc.edu)



January 20, 2023

State of Ohio  
Board of Pharmacy  
77 S High Street, 17th Floor  
Columbus, OH 43215-6126

Re: Written Comment on Proposed Rule 4729:5-3-22 – Mandatory Rest Breaks

Dear State of Ohio Board of Pharmacy:

I am John Coler, R.Ph., owner of Ohio independent pharmacies - Shrivers Pharmacies and Coler Long Term Care Pharmacy. I am providing this written comment in response to the Board’s proposed new Pharmacy Practice regulation (4729-5-22) for mandatory rest breaks for licensed pharmacy professional staff. As an owner of independent-owned, community based pharmacies that are well rooted in my central Ohio communities, I fully understand the growing interest by the Board in seeking to protect the public through the work of the Pharmacist Workload Advisory Committee given all the reporting about the abuses of pharmacists, pharmacists interns and technicians by big corporation chain drug store and mass retailer pharmacies, especially those with central prescription fill facilities.

While I support the goal of the proposed rule OAR 4729:5-3-22 to provide rest breaks for these pharmacy staff, the proposal, particularly 4729:5-3-22 (A) offer no flexibility for independently owned pharmacies where providing a break for pharmacy professional staff that work longer than 6 hours may not always be feasible. Rather than taking this inflexible approach that applies the same standards to independent pharmacy stores that is really aimed to stem the staff abuses imposed by corporate owned pharmacies, the board needs to take a bifurcated approach of different mandatory rest break requirements for independently owned pharmacies versus the higher volume chain and mass retailer pharmacies owned by corporations.

I ask the Board to revise this proposed regulation as follows:

For Paragraph (A), add language to apply this section after the word “working”, the phrase “ in a pharmacy owned by a corporation or its affiliates with more than 20 licensed outpatient pharmacy locations or a central fill location in the State of Ohio”.

For Paragraphs (E) and (F) after the word, “documented” add the phrase “or government declared public health or other state of emergency”.

Add a new Paragraph (G) to read as follows:

- ZANESVILLE**  
406 Brighton Blvd.  
Zanesville, Ohio 43701  
740.452.3691
- McCONNELSVILLE**  
105 North Kennebec Ave.  
McConnelsville, Ohio 43756  
740.962.2552
- McARTHUR**  
530 N. Market Street  
McArthur, Ohio 45651  
740.596.2566
- ATHENS**  
310 West Union Street, Ste 101  
Athens, Ohio 45701  
740.447.9201
- LUMBERPORT**  
308 Main Street  
Lumberport, WV 26386  
304.584.4210
- NELSONVILLE**  
40 Watkins Street  
Nelsonville, Ohio 45764  
740.753.2484
- CROOKSVILLE**  
120 S. Buckeye Street  
Crooksville, Ohio 43731  
740.982.3081
- LOGAN**  
21 Hocking Mall  
Logan, Ohio 43138  
740.216.4496





For pharmacists, pharmacist -interns or pharmacy technicians working in a pharmacy that is owned by a corporation or its affiliates that has 20 or fewer licensed pharmacy facilities in the State of Ohio working longer than six continuous hours pre day shall be allowed during that time period to take a 30-minute uninterrupted break, except for the following reasons:

- (1) The pharmacy has only one licensed pharmacist.
- (2) The pharmacy is located in a health professional shortage area (as defined in section 332(a)(1)(A) of the Public Health Service Act), medically underserved area, or medically underserved population (as defined in section 330(b)(3) of such Act.
- (3) The pharmacist works 8 continuous hours or less.
- (4) The pharmacist, with written consent to be retained in the pharmacy records subject to Board inspection, waives the right to a 30-minute break for working more than 8 continuous hours.
- (5) The pharmacy receives a hardship waiver from this requirement from the Board based on a written application for such a waiver.

Add a new Paragraph (H) to read as follows:

For pharmacists, pharmacist-interns or pharmacy technicians working in a pharmacy that is owned by a corporation or its affiliates that has 20 or fewer licensed pharmacy facilities in the State of Ohio all the provisions of paragraphs (B), (C), (D) (E) and (F) shall also apply.

I hope the Board will see that my comments are geared to take a reasonable yet comprehensive approach to providing pharmacy professional staff appropriate rest breaks while recognizing the workplace pace, volume and demands and staffing sizes are different in Ohio’s independent pharmacies than in corporate owned pharmacies and prescription central fill locations.

Every pharmacy owner should want safe and effective pharmacy workplace for their employees that protects the services we provide to the public. The proposed “one size fits all” approach to these proposed mandatory rest breaks will only severely impede how independent pharmacies can serve the public. I believe that with my proposed revisions to the Proposed OAC 4729:5-3-22 that makes important distinctions between the requirements on Ohio located large corporate owned pharmacies and independently owned pharmacies that will not impede the service to our patients while providing safe working conditions for our employees.

I thank the Board for consideration of my written comments to Proposed OAC 4729:5-3-22.

Sincerely,

*John Coler*

- ZANESVILLE**  
406 Brighton Blvd.  
Zanesville, Ohio 43701  
740.452.3691
- McCONNELSVILLE**  
105 North Kennebec Ave.  
McConnelsville, Ohio 43756  
740.962.2552
- McARTHUR**  
530 N. Market Street  
McArthur, Ohio 45651  
740.596.2566
- ATHENS**  
310 West Union Street, Ste 101  
Athens, Ohio 45701  
740.447.9201
- LUMBERPORT**  
308 Main Street  
Lumberport, WV 26386  
304.584.4210
- NELSONVILLE**  
40 Watkins Street  
Nelsonville, Ohio 45764  
740.753.2484
- CROOKSVILLE**  
120 S. Buckeye Street  
Crooksville, Ohio 43731  
740.982.3081
- LOGAN**  
21 Hocking Mall  
Logan, Ohio 43138  
740.216.4496



January 20, 2023

Steven Schierholt, Esq.  
Executive Director  
Ohio State Board of Pharmacy  
77 S High Street  
Columbus, OH 43215

**Re: Rule for Stakeholder Feedback – Mandatory Breaks / Rest Periods**

Dear Director Schierholt,

On behalf of The Ohio State University College of Pharmacy (OSUCOP), we appreciate the opportunity to provide our support of your recent rule: “Mandatory Breaks / Rest Periods”.

OSUCOP is a top 10 ranked program in the country and trains over 400 student pharmacists per year in the Doctor of Pharmacy program as well as hundreds more students in undergraduate and graduate programs. Our faculty are innovative and nationally known practitioners moving the needle on care outcomes for patients through pharmacist-provided, interprofessional care. Alumni of OSUCOP practice in a multitude of practice settings spanning from industry, academia, managed care, public health policy, institutional, community, and specialty practice. Our Medication Management Program (MMP) is a home to pharmacists, student pharmacists and certified pharmacy technicians who provide telehealth medication management services over 100,000 patients annually to reduce health care costs and improve medication use. We anticipate this rule will impact many of our faculty, staff, students, and alumni for the better by fostering a practice environment that more optimally supports the pharmacist to provide safe and quality patient care.

We would first like to express gratitude to the Board of Pharmacy for seeking feedback and addressing the many workplace concerns that are creating negative implications for Ohio pharmacists and pharmacy personnel. Many of the concerns shared by pharmacy personnel in Ohio have identified fear that patient safety and well-being are being compromised due to workplace issues.

We are supportive of the concept intended by this rule to support the health and well-being of pharmacists in the workplace and protect patient safety. We appreciate recognition of the pharmacist’s autonomy in deciding what actions can be taken during the break as is stated in 2(B) as well as the overall intention that the pharmacist drives what is acceptable to the individual related to work hours and breaks. Additionally, while practice operations differ across various settings, we appreciate the wording of the rules specifically in 4(E) which addresses needed flexibility in applying these rules to protect patient access to pharmacist care during emergencies.

Once implemented, we encourage the Board to evaluate the impact of recent rules on the prohibition of quotas and mandatory rest breaks to ensure they are having the anticipated impact and that the Board take further regulatory action as necessary.

Thank you again for the opportunity for OSUCOP to provide our feedback on this rule. If there is anything we can do to further support the advancement of this rule or if you have any questions about our recommendations, please contact me at [Mann.414@osu.edu](mailto:Mann.414@osu.edu).

Sincerely,

*Henry J Mann*

Henry J. Mann, PharmD, FCCP, FCCM, FASHP  
Dean and Professor  
The Ohio State University College of Pharmacy  
[Mann.414@osu.edu](mailto:Mann.414@osu.edu)



January 19, 2023

Steven W. Schierholt, Esq.  
Executive Director  
Ohio Board of Pharmacy  
77 S. High Street, 17<sup>th</sup> Floor  
Columbus, OH 43215

**Re: University Hospitals' comments on Proposed Rule: 4729:5-3-22 – Mandatory Rest Breaks (New)**

Dear Director Schierholt:

On behalf of University Hospitals (“UH”), we would first start off by expressing our appreciation for this opportunity to respond to the Board of Pharmacy’s recent request for comments on its proposed rule on mandatory breaks and rest periods for pharmacy personnel.

Next, we wanted to relay that UH truly values the work of the Pharmacist Workload Advisory Committee. In addition, UH shares in the overarching goals of ensuring safe, appropriate and acceptable working conditions for pharmacists, pharmacy interns, and pharmacy technicians. However, we have heard valid safety concerns for our hospital patients and team members regarding the proposed rule of mandatory breaks and rest periods.

UH feels the proposed rule increases the risk of adverse safety events for our hospital patients in several ways.

- In general, institutional pharmacies are open 24 hours a day, 7 days week. Institutional pharmacies that do close have after-hours pharmacist support for urgent needs and/or remote order verification. Examples of potential adverse safety events are noted below. Please note: the potential adverse safety risks are not limited to these real and potential examples below.
  - Should a pharmacist be on a mandatory break and a nurse has a question regarding a medication he/she is about administer, it is unsafe practice and not professionally appropriate to advise the nurse to wait for 30 minutes to receive a response.
    - In this situation, the nurse can either administer without receiving professional advice from the pharmacist, which may result in harm to the patient; or the nurse may elect to wait the duration of the mandatory break, at which the nurse may be out of compliance with the hospital’s time-critical medication administration. In turn, this is a delay in patient care.
  - Should a pharmacist with a collaborative practice agreement with a provider be on break and the provider needs the pharmacist’s support for a patient’s care, it is both unsafe and unprofessional for the pharmacist to expect the provider to wait the duration of 30 minutes for a response.
    - In this example, the pharmacist has an obligation to the provider and the patient in care oversight.
  - Should a patient have a question for a pharmacist (i.e. counseling) of their discharge prescription, and the pharmacist in the outpatient pharmacy supporting the hospital space is on the required mandatory break, the patient cannot receive their counseling.
    - In this situation, the patient may rescind their request for counseling, thereby letting a patient be discharged from the hospital with insufficient information regarding their



prescribed discharge medication. Alternatively, the patient is required to wait for the pharmacist to return from the mandatory break, resulting in a delay of discharge.

- In compliance with hospital policy and accreditation standards, the pharmacist is required to verify a STAT medication order within 5 to 10 minutes of order entry.
  - A 30 minute mandatory break on a shift when only one pharmacist is on duty violates this policy. Thereby placing the patient at risk for harm, as well as the organization at a risk for liability.

UH also feels that the proposed rule lacks clarity, poses new logistical challenges and places the pharmacist at an increased risk of liability, which is including but not limited to the following:

- The requirement to document and require the 30 minute mandatory break poses a challenge for salaried positions.
  - Salaried employees do not clock in and out for their shifts. There is no mechanism in place to ensure the breaks are taken and recorded accordingly.
  - This will increase the length of time the salaried employee will need to report for duty (i.e. 8.5 hours instead of 8 hours)
- Per the proposed rule **4729:5-3-22 (C)**, *“the activities of pharmacy technicians and pharmacy interns during a pharmacist rest break shall be considered to be under the direct supervision of a pharmacist if the pharmacist is available on the premises during the break and is immediately available to respond to questions by pharmacy technicians or interns. The pharmacist assumes responsibility for all activities performed in the pharmacist’s absence.”*
  - The term “premises” is lacking in definition. It is unclear if premises refers to being within the licensed pharmacy or on the hospital property.
  - For the pharmacist to be available for questions for the pharmacy technicians or interns, this indicates the pharmacist may be interrupted for any potential question, issue or need, during their required break as part of this rule.
  - The pharmacist assumes responsibility for all activities in their absence, which poses an unnecessary increase in liability on the pharmacist.
- Per the proposed rule **4729:5-3-22 (E)**, *“The requirements set forth in this rule shall not apply if a documented emergency necessitates that a pharmacist, pharmacy intern, or pharmacy technician work longer than 12 continuous hours, work without taking required meal breaks, or have a break interrupted to minimize immediate and serious health risks for patients.”*
  - The definition of “documented emergency” is not clearly defined.

As a health-system, we take concerns about our employee’s work environment seriously and agree that it is important to allow pharmacy personnel adequate breaks and time to rest. However, we believe this can be achieved through our current process, which is flexible to meet the needs of our patients and our pharmacy personnel.

We encourage the Pharmacy Board and the Pharmacist Workload Advisory Committee to further consider these rules before moving forward. Specifically, we believe there needs to be further examination of the increase in the risk of adverse safety events for our patients and for our hospital pharmacies. In addition, we believe the proposed rule is lacking in clarity, is posing new logistical challenges, and is placing the pharmacist at an increased risk of liability.

UH would encourage the Board to also consider exempting inpatient hospital pharmacies and outpatient pharmacies that support inpatient spaces for discharge prescriptions. Addressing this rule to retail pharmacies that do not support an inpatient space may be more in line with the intent of the proposed rule. One size does not fit all as it pertains to workplace environment.

We look forward to continuing to work with the Board of Pharmacy on this important issue.

Sincerely,

**H. Champ Burgess, PharmD, MBA**

Chief Pharmacy Officer

University Hospitals Health System

[Henry.Burgess@UHhospitals.org](mailto:Henry.Burgess@UHhospitals.org)



University Hospitals

**UH Meds**