

STATE BOARD NEWS -- FEBRUARY 1999 ISSUE
(State Section Only)

NOTE FROM THE NEW EDITOR

In the November, 1998 newsletter, Frank Wickham indicated that it would be his last newsletter to write since he was retiring as Executive Director after 30 years of service to the pharmacists and citizens of Ohio. As the new Executive Director and, therefore, the new newsletter editor, I want to thank Frank for all of his efforts over those 30 years. The impact that Frank has had on the practice of pharmacy, not only in Ohio, but nationwide has been tremendous. He is certainly the individual most responsible for the great reputation that Ohio has around the country regarding pharmacy regulatory and legal matters. I'm sure that all of the pharmacists in Ohio will join me in wishing Frank an enjoyable and prosperous retirement.

OHIO JURISPRUDENCE C.P.E. QUIZ ENCLOSED

Enclosed is the quiz which covers the May 1998, August 1998, November 1998, and this issue of the State Board Newsletter for Jurisprudence Continuing Pharmacy Education Credit. Be sure to note that no credit will be granted for Answer Sheets postmarked after April 30, 1999.

REVISED RULES GOVERNING THE PRACTICE OF PHARMACY

As most pharmacists in Ohio already know, the revised Pharmacy Practice Act took effect on July 22, 1998. Over seventy people from all areas of practice assisted the Board in reviewing the entire section of the Administrative Code that deals with pharmacy practice to ensure that the rules of the Board were consistent with the new practice act and the current practice of pharmacy. The end result of these labors can be seen in the fact that the Board filed seventy-five proposed additions, deletions, and changes to our existing rules on October 26, 1998. These rules were subject to a Public Hearing on December 7, 1998, and a hearing before the Joint Committee on Agency Rule Review (JCARR) on December 15, 1998. Based on comments received by the Board prior to the JCARR hearing, the Board decided to make some changes in the wording or documentation for four of the rules and then re-file them. The other seventy-one rules were passed through JCARR without comment.

By the time you read this newsletter, the Board will have made a final decision about the implementation date for all of the rules. The complete text of all of the rules, showing the changes made and the implementation date for each rule, is available on the Internet at www.state.oh.us/pharmacy. These rules should also be included in the next update to the Drug Laws of Ohio, which is tentatively planned for this spring. Over the next few newsletters, we will discuss a few of the more important changes to the rules, but it is the responsibility of every pharmacist practicing in Ohio to be aware of and follow the current laws,

rules, and regulations governing the practice of pharmacy. If there are ever any questions, please call the Pharmacy Board office.

SERIAL NUMBERING RULE AND "HOLD" PRESCRIPTIONS

For quite some time, there have been problems between the Board's rule on serial numbering of prescriptions (4729-5-19) and the computer systems within retail pharmacies that have a "hold" function for prescriptions that the patient does not need immediately. The Board has always required that the prescription be serially numbered on the day it is dispensed and filed with the other new prescriptions dispensed on that day. This was not a problem until the pharmacy computer companies developed a function in their systems that would allow a pharmacist to enter a prescription into the computer database, place it on hold, and fill it at a later date. These systems assigned the prescription number on the day the prescription was entered into the system rather than on the day it was dispensed. Consequently, the prescriptions were no longer filed with the other new prescriptions dispensed on that day. Since the pharmacists were caught in the middle between the Board rules and the computer companies, the Board agreed to the following language in the rule (deleted words are ~~crossed out~~, new language is in CAPITAL letters):

4729-5-19 Serial numbering of prescriptions.

All outpatient prescriptions ~~dispensed by a pharmacy~~ must be serially numbered WHEN ENTERED INTO THE COMPUTER SYSTEM OR WHEN DISPENSED UNDER A MANUAL SYSTEM.

- (A) This number must appear on the original prescription. If an alternate recordkeeping system is being used pursuant to rules 4729-5-27 and 4729-5-28 of the Administrative Code, the serial number must also appear on the records in this alternate system.
- (B) There must be a complete ~~and consecutive~~ accounting of all numbers used in the serial numbering system.
- (C) All prescriptions which are not refillable, either because of the dispensing of all refills or the length of time since issuance, shall be assigned a new serial number upon authorization by the ~~practitioner~~ PRESCRIBER to continue the medication, except:
 - (1) The ~~prescribing practitioner~~ PRESCRIBER may authorize additional refills of a schedule III or IV controlled substance through an oral refill authorization transmitted to a pharmacist, provided the additional refills do not exceed five refills of the original prescription nor does any refill occur beyond six months from the date of issuance of the original prescription; or
 - (2) The ~~prescribing practitioner~~ PRESCRIBER may authorize additional refills of a schedule V controlled substance or a non-controlled drug through an oral refill authorization transmitted to a pharmacist provided that no refill may occur beyond one year from the date of issuance of the original prescription.
 - (3) All additional refills authorized by the ~~prescribing practitioner~~ PRESCRIBER shall be marked on the original prescription listing authorizing agent, date, number of refills authorized, and pharmacist receiving the authorization. If an

alternative recordkeeping system is used, this information must also be maintained in that system.

The change made in the first paragraph of this rule will now allow pharmacists to enter a prescription and put it on hold for later dispensing without violating the Board's rule. If you have any questions about this change, please don't hesitate to telephone, write, e-mail, or fax the Board office.

AD HOC COMMITTEE ON RULE REVIEW

Every year the Board is required by law to review 20% of its rules to be sure that they are still current and necessary. In order to do this, the Pharmacy Board asks for the names of volunteers from the Ohio Pharmacists Association, the Ohio Society of Health-System Pharmacists, the Ohio State Medical Association, and the Ohio Osteopathic Association. In addition, when there are rules about a particular specialty to be considered (e.g., nuclear pharmacy rules), the Board will attempt to find people practicing in that particular area to assist in the rule review process. The Board is also very happy to consider letters from individuals who want to volunteer their services to assist us in this task. From all of these names, the Board appoints the committee members. The committee meets about once a month, usually beginning in March and ending in June or July. The meetings are full day meetings that are arranged to fit the schedule of the majority of the members.

If you are interested in helping the Board with the rule review process, please discuss this with the appropriate professional society listed above to see if they would include you on their list of suggested members. Alternatively, you may send a letter directly to the Board office volunteering your service and listing any specialties or concerns you may have. The Board would welcome your offer of assistance.

DISCIPLINARY ACTIONS

The disciplinary actions listed below include only those where the individual's license to practice has been suspended, revoked, or restricted, and does not include those actions where the individual's license to practice has been placed on probation or has been reinstated without restrictions, or a monetary penalty imposed by the board.

Anyone having a question regarding the license status of a particular practitioner, nurse, pharmacist, pharmacy intern, or dangerous drug distributor in Ohio should contact the licensing board that regulates the profession or activity, as follows:

State Dental Board (614/466-2580);

State Medical Board (614/466-3934);

State Nursing Board (614/466-3947);

State Optometry Board (614/466-5115);

State Pharmacy Board (614/466-4143);

State Veterinary Medical Board (614/644-5281);

Drug Enforcement Administration (800/230-6844).

STATE PHARMACY BOARD:

Order Effective 06/10/98:

Harold Robert Peters, R.Ph.; Middleburg Heights - License revoked.

Orders Effective 10/08/98:

Robert J. Dougherty, R.Ph.; Hilliard - License reinstated but may not serve as a preceptor or train pharmacy interns, may not serve as a responsible pharmacist, and may not destroy, or assist in the destruction of, controlled substances for five years effective October 23, 1998.

Claire A. Harter, R.Ph.; Alger - License revoked.

Settlement Agreement Effective 11/19/98:

Steven A. Goldblatt, R.Ph.; Reynoldsburg - License suspended indefinitely and may not work in or be employed by a facility licensed with the Board while suspended.

Summary Suspension of License:

David Michael Sunshein, R.Ph.; Kettering - Effective 12/08/98.

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