



E-News Update November 2019

Duty to Report Rules - Effective December 1, 2019

Effective December 1, 2019, rules [4729:1-4-02](#), [4729:2-4-02](#), and [4729:3-1-02](#) require Ohio licensed pharmacists, pharmacy interns, and pharmacy technicians to report to the State of Ohio Board of Pharmacy certain types of conduct of which the licensee has knowledge.

The new rules require all licensees to report on the conduct of other licensees, this includes:

- Conduct indicating an individual licensed or registered by the Board is addicted to or is suspected to be abusing alcohol, drugs or other chemical substances or impaired physically or mentally to render the individual unfit to carry out their professional duties.
- Violations, attempts to violate, or aiding and abetting in the violation of any of the provisions of Chapters [4729](#). (Pharmacy Practice Act), [4752](#). (Home Medical Services), [3715](#). (Pure Food and Drug Law), [3719](#). (Controlled Substances), [3796](#). (Medical Marijuana Control Program), [2925](#). (Drug Offenses), and [2913](#). (Theft and Fraud) of the Revised Code, or any rule adopted by the Board under those provisions by an individual or entity licensed or registered by the Board.
- Conduct by a pharmacy technician trainee, registered pharmacy technician, certified pharmacy technician, pharmacy intern or pharmacist that constitutes unprofessional conduct or dishonesty.

The rule also requires a pharmacist to self-report to the Board any of the following:

- Any criminal conviction within ten days after the date of conviction except for minor traffic violations or if the pharmacist is convicted of, plead guilty to, is subject to a judicial finding of eligibility for intervention in lieu of conviction. The conviction must be reported regardless of whether the case has been expunged or sealed or the equivalent thereof.
- Entry into a diversion program, deferred prosecution program, or equivalent within ten days after the individual is granted entry into a program.
- Any arrest for a felony within ten days after the arrest.
- Any disciplinary licensing or registration action taken by another state against the licensee within ten days of the notice action.

To meet the self-report notification requirements, a licensee/registrant must electronically submit a Self-Report Form along with supporting documentation electronically. The form, along with submission instructions, may be accessed here: www.pharmacy.ohio.gov/SelfReport.

IMPORTANT: A pharmacist is not required to report an error in dispensing or prescription error except when the error is the result of reckless behavior or unprofessional conduct and meets any of the following per the National Coordinating Council for Medication Error Reporting and Prevention's Index for Categorizing Medication Errors. Per section [4729.23](#) of the Ohio Revised Code, the identity of the pharmacist making a report in accordance with this rule will remain confidential.

For more information on duty to report, visit the guidance specific for each license type:

- [Pharmacist Duty to Report](#)
- [Pharmacy Intern Duty to Report](#)
- [Pharmacy Technician Duty to Report](#)

Changes in Ohio Law

Effective October 17, 2019, [Ohio Revised Code 4729.48](#) requires pharmacists, pharmacy interns,

or a terminal distributor of dangerous drugs to indicate the cost-sharing amount required by the patient's health plan if the amount exceeds the amount that may otherwise be charged for the same drug.

The law requires that the patient shall not be charged the higher amount.

This information is required to be shared by either the pharmacist, pharmacy intern or terminal distributor of dangerous drugs.

Drug Repository Rules - Effective October 15, 2019

New drug repository rules became effective on October 15, 2019. Please be advised that the general operation of a drug repository program has not changed substantially in [OAC 4729:5-10](#).

However, [rule 4729:5-10-04](#) does expand the type of drugs that may be collected by a repository to include the following:

- Orally administered cancer drugs that are not in original sealed and tamper-evident unit dose packaging. "Orally administered cancer drug" means either of the following: (1) An orally administered dangerous drug that is used to treat cancer or its side effects; or (2) An orally administered dangerous drug that is used to treat the side effects of a dangerous drug used to treat cancer. Orally administered cancer drugs do not include controlled substances or drugs that require refrigeration, freezing, or storage at a special temperature.
- Controlled substances in a long-acting or extended-release form used for the treatment of opioid dependence or addiction.

Note: A repository program may opt to have a patient sign a donor form in advance of receiving treatment in the event the patient discontinues treatment or misses a certain number of appointments. Additional guidance can be found [here](#).

Bureau of Workers' Compensation Drug Disposal Bag Initiative

Under an initiative proposed by Ohio Gov. Mike DeWine, the Ohio Bureau of Workers' Compensation (BWC) will provide injured workers with drug disposal bags that destroy leftover opioid pills, liquids, and patches. Starting November 1st, retail pharmacies will automatically issue the bags to injured workers in Ohio receiving an opioid prescription for the first time within the last 12 months. This effort is consistent with Governor DeWine's RecoveryOhio Initiative.



BWC will reimburse pharmacies \$10.50 per bag. There is no cost to the employer, injured worker or pharmacy. The bags are limited to opioid prescriptions only.

More information about the program can be found [here](#).
