Rules for Stakeholder Feedback

In accordance with Chapter 119. of the Revised Code, the State of Ohio Board Pharmacy proposes amendments to the following rules:

- **4729:3-2-05 - Successful completion of the Test of English as a Foreign Language Internet-based Test. [For Pharmacy Technicians] (AMEND)**

- **4729:5-15-05 - Chemical capture classification. (AMEND) [For Animal Shelters]**

- **Rule 4729:5-9-03.6 - Point of care locations in an institutional facility. [For Institutional Facilities]**

Comments on the proposed rules will be accepted until close of business on **Monday, April 25, 2022**. Please send all comments to the following email address: RuleComments@pharmacy.ohio.gov.
Successful completion of the "Test of English as a Foreign Language, Internet-based test" (TOEFL iBT) shall be the following minimum scores or higher:

(A) Writing: twenty-four fourteen;

(B) Speaking: twenty-six twenty;

(C) Listening: twenty-one seventeen; and

(D) Reading: twenty-two eighteen.
Rule 4729:5-15-05 - Chemical capture classification. (AMEND)

(A) Upon application of an animal shelter or county dog warden that holds a limited license issued under section 4729.531 of the Revised Code, the state board of pharmacy may grant a chemical capture classification to the limited license. The classification permits the holder to purchase, possess, and administer a combination of drugs for chemical capture. Unless otherwise approved by the board, no such classification shall authorize or permit the distribution of these drugs to any person other than the originating wholesale distributor of the drugs.

(1) To qualify for a chemical capture classification under this rule, an applicant shall appoint or employ a certified officer.

(2) An animal shelter or county dog warden shall comply with the initial licensure and renewal requirements set forth in rule 4729:5-2-02 of the Administrative Code. As part of this licensing process, the animal shelter or county dog warden shall provide a list of drugs, signed by the responsible person, that will be used for chemical capture.

(3) A certified officer may use any of the following drugs for use as part of the chemical capture process:

(a) Ketamine;

(b) Xylazine; and

(c) Tiletamine and zolazepam;

(d) Yohimbine;

(e) Tolazoline; and

(f) Atipamezole.

(B) All areas where drugs and devices used for chemical capture are stored shall comply with the security and storage requirements of rule 4729:5-15-02 of the Administrative Code and rule 4729:5-3-13 of the Administrative Code.

(C) All drugs used for chemical capture shall comply with the following:

(1) Recordkeeping requirements of rule 4729:5-15-03 of the Administrative Code; and

(2) Drug disposal requirements of rule 4729:5-15-02 of the Administrative Code.

(D) The animal shelter or dog warden shall develop and implement a drug dosing protocol for all drugs and equipment used in chemical capture.

(1) The protocol shall be reviewed and signed by a veterinarian licensed under Chapter 4741. of the Revised Code.

(2) The protocol shall include the following: drug, dose, concentration, approved uses for drug delivery, approved equipment for use, circumstances for use, contraindications, any known
common complications/side effects, and weight ranges with corresponding volume of drug to be administered.

(3) A documented review of the protocol shall be conducted by a veterinarian licensed under Chapter 4741. of the Revised Code at least once every five years.

(E) All equipment used in chemical capture shall:

(1) Be secured to prevent unauthorized access by individuals who are not certified officers;

(2) Maintained and used in accordance with the manufacturer's instructions and the protocol established in accordance with paragraph (D) of this rule.

(3) Be disposed of in accordance with the manufacturer's instructions.

(F) An animal shelter or dog warden with a chemical capture classification shall develop and implement policies and procedures that incorporate the following based upon nationally recognized standards for chemical capture:

(1) Determining when chemical capture is appropriate. Such policies and procedures shall make all reasonable efforts to ensure animal safety, certified officer safety, and the safety of the public.

(2) The care of a companion animal immediately upon capture. Certified officers engaged in chemical capture must have a written animal handling and post capture protocol which includes:

(a) The procedure for removing the dart from a captured animal;

(b) First aid for the animal, with particular reference to the dart wound and potential emergencies (including: hyperthermia, hypothermia, shock, bloat, respiratory distress, and cardiac arrest); and

(c) Appropriate location and handling for the animal during recovery from the capture event.

(G) A terminal distributor of dangerous drugs with a chemical capture classification shall maintain records for every certified officer that has completed training in accordance section 4729.534 of the Revised Code. Such documentation shall be made readily retrievable and shall be maintained for one year from the date the certified officer is no longer employed by or affiliated with the terminal distributor of dangerous drugs.
Rule 4729:5-9-03.6 - Point of care locations in an institutional facility. (AMEND)

(A) "Point of care location" has the same meaning as in rule 4729:5-9-01 of the Administrative Code.

(B) Dangerous drugs maintained at a point of care location shall be in a securely locked, substantially constructed cabinet, including an automated drug storage system, or safe to deter and detect unauthorized access.

(C) The responsible person for the point of care location shall be an employee of the institutional pharmacy that owns the drug stock and shall be responsible for all the following:

   (1) Designating those who may obtain access to the drug stock;

   (2) Determining, in conjunction with the appropriate interdisciplinary committees, the drugs that are to be included at the point of care location;

   (3) Providing controls to prevent the diversion of the drug stock;

   (4) Instituting record keeping procedures to account for drugs removed from the point of care location and for capturing the positive identification of the person who obtained the drugs from the point of care location; and

   (5) Providing procedures for the inspection of the point of care location to ensure proper utilization and replacement of the drug stock.

(D) If dangerous drugs that are controlled substances are stored at the point of care location, the owner of the drug stock shall either:

   (1) Obtain a drug enforcement administration (DEA) registration for the point of care location; or

   (2) Utilize the DEA registration of the institutional facility where the point of care location is located. The institutional facility where the point of care location is located shall be responsible for compliance with all federal and state laws, rules, and regulations relating to the possession and use of controlled substances.

(E) This rule does not apply to pharmacy-supplied contingency drugs in an institutional facility licensed as a terminal distributor of dangerous drugs.

(F) An institutional point of care location that contains controlled substances shall comply with the requirements of rules 4729:5-9-03.2 and 4729:5-9-03.3 of the Administrative Code.