



4/17/2026

The following information is being provided pursuant to the requirements of Executive Order 2011-01K and Senate Bill 2 of the 129th General Assembly, which require state agencies, including the Ohio Board of Pharmacy, to draft rules in collaboration with stakeholders, assess, and justify an adverse impact on the business community (as defined by S.B. 2), and provide an opportunity for the affected public to provide input on the following rules.

Amend

- **4729-3-01 - Disqualifying offenses.** Outlines the definition of “disqualifying offense” and the Board’s list of specific criminal offenses for which a conviction, judicial finding of guilt, or plea of guilty may disqualify an individual from obtaining an initial license or registration issued by the Board. Updates cross references from agency 4729 and 3796 of the Administrative Code to Chapter 4729. of the Administrative Code.
- **4729-5-01 - Recognized and approved schools of pharmacy.** Recognizes and approves schools of pharmacy as required by section 4729.08 of the Ohio Revised Code. Makes a correction to a reference to the Foreign Pharmacy Graduate Examination Committee.
- **4729:5-3-11 - Transmission of outpatient prescriptions.** Provides the requirements for the transmission of a prescription by a prescriber or an agent of the prescriber. Requires oral prescriptions to be documented in the patient’s medical record. Updates signature requirements to being a manual, wet-ink signature. Updates the requirements section for an electronic prescription transmission system. Requires outpatient prescriptions not be transmitted via e-mail. Removes requirement that third-party intermediaries receive Board approval. Makes small grammatical changes and CFR reference updates.

To access the rule text and accompanying business impact analysis, visit the following link:
www.pharmacy.ohio.gov/DOSchools

Comments on the proposed rules will be accepted until close of business on **May 15, 2026**.

Please send all comments to the following email address:

rulecomments@pharmacy.ohio.gov.

In addition, please copy your comments to: CSIPublicComments@governor.ohio.gov.



Common Sense Initiative

Mike DeWine, *Governor*
Jim Tressel, *Lt. Governor*

Joseph Baker, *Director*

Business Impact Analysis

Agency, Board, or Commission Name: Ohio Board of Pharmacy_____

Rule Contact Name and Contact Information: Summer Reyburn,
summer.reyburn@pharmacy.ohio.gov_____

Regulation/Package Title (a general description of the rules' substantive content):

Outpatient Prescriptions, Disqualifying Offenses, and Schools of Pharmacy_____

Rule Number(s): 4729-3-01; 4729-5-01; 4729:5-3-11_____

Date of Submission for CSI Review: 4/17/2026_____

Public Comment Period End Date: 5/15/2026_____

Rule Type/Number of Rules:

New/___ rules

No Change/___ rules (FYR? ___)

Amended/ 3 rules (FYR? Y)

Rescinded/___ rules (FYR? ___)

The Common Sense Initiative is established in R.C. 107.61 to eliminate excessive and duplicative rules and regulations that stand in the way of job creation. Under the

77 SOUTH HIGH STREET | 30TH FLOOR | COLUMBUS, OHIO 43215-6117

CSIPublicComments@governor.ohio.gov

Common Sense Initiative, agencies must balance the critical objectives of regulations that have an adverse impact on business with the costs of compliance by the regulated parties. Agencies should promote transparency, responsiveness, predictability, and flexibility while developing regulations that are fair and easy to follow. Agencies should prioritize compliance over punishment, and to that end, should utilize plain language in the development of regulations.

Reason for Submission

- 1. R.C. 106.03 and 106.031 require agencies, when reviewing a rule, to determine whether the rule has an adverse impact on businesses as defined by R.C. 107.52. If the agency determines that it does, it must complete a business impact analysis and submit the rule for CSI review.**

Which adverse impact(s) to businesses has the agency determined the rule(s) create?

The rule(s):

- Requires a license, permit, or any other prior authorization to engage in or operate a line of business.**
- Imposes a criminal penalty, a civil penalty, or another sanction, or creates a cause of action for failure to comply with its terms.**
- Requires specific expenditures or the report of information as a condition of compliance.**
- Is likely to directly reduce the revenue or increase the expenses of the lines of business to which it will apply or applies.**

Regulatory Intent

- 2. Please briefly describe the draft regulation in plain language.**

Please include the key provisions of the regulation as well as any proposed amendments.

- 4729-3-01 – Outlines the definition of “disqualifying offense” and the Board’s list of specific criminal offenses for which a conviction, judicial finding of guilt, or plea of guilty may disqualify an individual from obtaining an initial license or registration issued by the Board. Updates cross references from agency 4729 and 3796 of the Administrative Code to Chapter 4729. of the Administrative Code.
- 4729-5-01 – Recognizes and approves schools of pharmacy as required by section 4729.08 of the Ohio Revised Code. Makes a correction to a reference to the Foreign Pharmacy Graduate Examination Committee.
- 4729:5-3-11 – Provides the requirements for the transmission of a prescription by a prescriber or an agent of the prescriber. Requires oral prescriptions to be documented in the patient’s medical record. Updates signature requirements to being a manual, wet-ink signature. Updates the requirements section for an electronic prescription transmission system. Requires outpatient prescriptions not be transmitted via e-mail. Removes requirement that third-party intermediaries receive Board approval. Makes small grammatical changes and CFR reference updates.

3. Please list the Ohio statute(s) that authorize the agency, board or commission to adopt the rule(s) and the statute(s) that amplify that authority.

The proposed rules are authorized by sections 9.79, 3719.28, and 4729.26 of the Ohio Revised Code.

4. Does the regulation implement a federal requirement? Is the proposed regulation being adopted or amended to enable the state to obtain or maintain approval to administer and enforce a federal law or to participate in a federal program?

If yes, please briefly explain the source and substance of the federal requirement.

These rules do not implement a federal requirement.

5. If the regulation implements a federal requirement, but includes provisions not specifically required by the federal government, please explain the rationale for

exceeding the federal requirement.

Not applicable.

6. What is the public purpose for this regulation (i.e., why does the Agency feel that there needs to be any regulation in this area at all)?

Section 3719.28 of the Ohio Revised Code authorizes the Board of Pharmacy to adopt rules regarding the form and content of records to be kept by persons authorized to manufacture, distribute, dispense, conduct research in, prescribe, administer, or otherwise deal with controlled substances.

Section 4729.26 of the Ohio Revised Code authorizes the Board of Pharmacy to adopt rules governing the practice of pharmacy and the legal distribution of prescription drugs.

7. How will the Agency measure the success of this regulation in terms of outputs and/or outcomes?

The success of the regulations will be measured by having rules written in plain language, licensee compliance with the rules, and minimal questions from licensees regarding the provisions of the rules.

8. Are any of the proposed rules contained in this rule package being submitted pursuant to R.C. 101.352, 101.353, 106.032, 121.93, or 121.931?

If yes, please specify the rule number(s), the specific R.C. section requiring this submission, and a detailed explanation.

No.

Development of the Regulation

9. Please list the stakeholders included by the Agency in the development or initial review of the draft regulation.

If applicable, please include the date and medium by which the stakeholders were initially contacted.

Rules 4729-3-01 and 4729-5-01 were distributed for initial public comment by posting the rule package to the Board's proposed rules website between December 8, 2025 and January 15, 2026. Rule 4729:5-3-11 was reviewed as part of the Board's rules review committee on October 29, 2025.

Prior to filing with CSI, all rules were reviewed and approved by the Board of Pharmacy.

10. What input was provided by the stakeholders, and how did that input affect the draft regulation being proposed by the Agency?

One comment was received for these rules by the Board, and it was supportive. Additionally, feedback from the Board of Pharmacy was incorporated into these rules.

11. What scientific data was used to develop the rule or the measurable outcomes of the rule? How does this data support the regulation being proposed?

Scientific data was not used to develop or review these rules.

12. What alternative regulations (or specific provisions within the regulation) did the Agency consider, and why did it determine that these alternatives were not appropriate? If none, why didn't the Agency consider regulatory alternatives? *Alternative regulations may include performance-based regulations, which define the required outcome, but do not dictate the process the regulated stakeholders must use to comply.*

As the regulations are essential to protecting the public's safety by ensuring uniform standards for the practice of pharmacy and distribution of dangerous drugs, the Ohio Board of Pharmacy did not consider any regulatory alternatives.

13. What measures did the Agency take to ensure that this regulation does not duplicate an existing Ohio regulation?

The Board of Pharmacy's Director of Policy and Communications reviewed the proposed rules to ensure that the regulations do not duplicate another Ohio Board of Pharmacy regulation.

14. Please describe the Agency’s plan for implementation of the regulation, including any measures to ensure that the regulation is applied consistently and predictably for the regulated community.

The rules will be posted on the Board of Pharmacy’s web site; information concerning the rules will be included in materials e-mailed to licensees; and notices will be sent to associations, individuals, and groups. Board of Pharmacy staff are also available via phone or email to answer questions regarding implementation of the rules. In addition, the Board’s compliance agents are trained to educate licensees on current and/or new regulations during on-site inspections.

Board of Pharmacy staff receive regular updates on rules via a monthly internal newsletter, biannual staff meetings featuring a regulatory update, mandatory all-day law reviews for new employees, email updates and quarterly webinars from the Director of Policy, and feedback from the Board’s legal department for every citation submitted.

Adverse Impact to Business

15. Provide a summary of the estimated cost of compliance with the rule(s). Specifically, please do the following:

a. Identify the scope of the impacted business community, and

- Pharmacists;
- Pharmacy technicians;
- Pharmacy interns;
- Terminal distributors of dangerous drugs;
- Wholesale distributors of dangerous drugs;
- Prescribers;
- Home medical equipment services providers; and
- Schools/colleges of pharmacy.

b. Quantify and identify the nature of all adverse impact (e.g., fees, fines, employer time for compliance, etc.).

The adverse impact can be quantified in terms of dollars, hours to comply, or other factors; and may be estimated for the entire regulated population or for a

representative business. Please include the source for your information/estimated impact.

- 4729-3-01 – Outlines the definition of “disqualifying offense” and the Board’s list of specific criminal offenses for which a conviction, judicial finding of guilt, or plea of guilty may disqualify an individual from obtaining an initial license or registration issued by the Board. This rule should not have an adverse impact as it outlines the Board’s processes for compliance with Ohio law.
- 4729-5-01 – Recognizes and approves schools of pharmacy as required by section 4729.08 of the Ohio Revised Code. The language requires a school of pharmacy to obtain candidate or accreditation status with the Accreditation Council for Pharmacy Education. This is a standard accreditation that all schools of pharmacy obtain. The fee for any new school is \$47,000. A full list of fees associated with accreditation can be accessed here: <https://www.acpe-accredit.org/wp-content/uploads/CSFees2026.pdf>. Additionally, the rule does require foreign graduates to obtain an FPGEE certificate (\$750) and complete the TOEFL iBT test ([fees range from \\$170 - \\$475](#)).
- 4729:5-3-11 – Provides the requirements for the transmission of a prescription by a prescriber or an agent of the prescriber. Any electronic system that is out-of-compliance will have to comply with the requirements, which may require time and costs to modify prescription transmission software. Additionally, prescribers who are operating out of a licensed terminal distributor of dangerous drugs may experience increased costs for documenting verbal prescriptions within a patient’s medical record.

16. Are there any proposed changes to the rules that will reduce a regulatory burden imposed on the business community? Please identify. (*Reductions in regulatory burden may include streamlining reporting processes, simplifying rules to improve readability, eliminating requirements, reducing compliance time or fees, or other related factors*).

Yes. 4729:5-3-11 removes the requirement for third-party intermediaries to obtain Board approval.

17. Why did the Agency determine that the regulatory intent justifies the adverse impact to the regulated business community?

The Board determined that the regulatory intent justifies the impact on business because without the regulations the Board would not be able to approve schools of pharmacy as required by the Ohio Revised Code and ensure uniform licensing and prescription standards.

Regulatory Flexibility

18. Does the regulation provide any exemptions or alternative means of compliance for small businesses? Please explain.

The rules do not provide any exemptions or alternative means of compliance for small businesses. The law does not differentiate on the size of the business and therefore the regulations are uniform across Ohio.

19. How will the agency apply Ohio Revised Code section 119.14 (waiver of fines and penalties for paperwork violations and first-time offenders) into implementation of the regulation?

The Ohio Board of Pharmacy does not fine licensees or impose penalties for first-time paperwork violations. However, any failure to not meet and maintain accreditation standards is not considered a paperwork error but a quality assurance issue by the licensee that is necessary for the protection of the public.

20. What resources are available to assist small businesses with compliance of the regulation?

Board of Pharmacy staff is available by telephone and e-mail to answer questions. Board staff members also provide presentations to groups and associations who seek updates on current regulations. Additionally, staff are trained to educate licensees on compliance with all Board of Pharmacy rules and regulations.

Rule 4729:5-3-11 | Transmission of outpatient prescriptions. (AMEND)

(A) Oral transmission by a prescriber or a prescriber's agent of an original outpatient prescription authorized by a prescriber shall comply with the requirements of rule [4729:5-5-15](#) of the Administrative Code. For any oral outpatient prescription transmitted by an agent of a prescriber, the prescriber's agent must provide the agent's first and last name when transmitting the prescription. An oral prescription may be transmitted by a prescriber or prescriber's agent to a recording device or voice mail service. **All oral prescriptions transmitted by a prescriber or prescriber's agent shall be documented in the patient's medical record by the issuing prescriber.**

(B) Original written outpatient prescriptions shall be authorized and signed by a prescriber, **using a manual, wet-ink signature, in the same manner as the prescriber would sign a check or legal document,** and may be transmitted by the prescriber or the prescriber's agent by facsimile machine to a pharmacy.

(1) The facsimile of the prescription must include the identification number of the facsimile machine **which that** is used to transmit the prescription, the full name of the prescriber, and, if applicable, the full name of the prescriber's agent transmitting the prescription to the pharmacy.

(2) The prescription must comply with the requirements of rule [4729:5-5-15](#) of the Administrative Code.

(3) The original prescription signed by the prescriber from which the facsimile is produced shall not be issued to the patient. The original prescription signed by the prescriber must remain with the patient's records at the location where it was issued for three years from the date of issuance. Following the successful transmission of the prescription, the word "VOID" or "FAXED" shall be written or stamped on the face of the original prescription in a manner that does not destroy any of the original information contained on the prescription.

(4) Outpatient prescriptions for schedule II controlled substances may be transmitted by facsimile in accordance with 21 C.F.R. 1306.11 (**5/1/2019-March 31, 2010**) and shall meet the facsimile requirements of this rule.

(C) Outpatient prescriptions may be transmitted by means of an electronic prescription transmission system that complies with the prescription requirements in rule [4729:5-5-15](#) of the Administrative Code.

(1) An outpatient prescription transmitted by means of an electronic prescription transmission system shall include the full name of the prescriber's agent transmitting the prescription.

(2) A controlled substance outpatient prescription shall only be transmitted by means of an electronic prescription transmission system if the system complies with 21 CFR 1311 ~~(5/1/2019)~~**April 1, 2026**).

(3) Except as provided in paragraphs (C)(4) and (C)(5) of this rule, no prescriptions may be transmitted by means of an electronic prescription transmission system that converts the prescription into a **computer-generated or scanned fax or image** ~~computer-generated images, fax or scanned image~~.

(4) A non-controlled prescription may be transmitted by means of an electronic prescription transmission system that converts the prescription into a computer-generated fax or scanned image if the transmission is conducted by means of a system that meets the prescription requirements of rule [4729:5-5-15](#) of the Administrative Code and either of the following apply:

(a) The prescription transmission system operates within a closed-system. A closed system includes any system whereby prescription information is transmitted directly between:

(i) Any division, subsidiary, parent or affiliated or related company under common ownership and control; or

(ii) One or more contracted entities. Contracted means having a written agreement (to include business associate agreements) between one or more prescribers and a pharmacy.

(b) The transmission of a prescription for compounded total parenteral nutrition for dispensation by a pharmacy.

~~(4) A non-controlled prescription may be transmitted by means of an electronic prescription transmission system that converts the prescription into a computer-generated fax or scanned image if all the following apply:~~

~~(a) The transmission is conducted by means of a board approved system that meets the prescription requirements of rule 4729:5-5-15 of the Administrative Code.~~

~~(b) The prescription transmission system operates within a closed system. A closed system includes any system whereby prescription information is transmitted directly between:~~

~~(i) Any division, subsidiary, parent, or affiliated or related company under common ownership and control; or~~

~~(ii) One or more contracted entities. Contracted means having a written agreement (to include business associate agreements) between one or more prescribers and a pharmacy and shall not include a third-party intermediary unless otherwise approved by the board.~~

(5) A non-controlled prescription may be converted into a computer-generated fax by a **board approved** third-party intermediary only if the conversion is necessitated by a temporary telecommunication outage of the third-party intermediary or receiving pharmacy. **Unless otherwise approved by the board, the telecommunications outage shall not last more than seventy-two continuous hours.**

(D) Outpatient prescriptions shall not be transmitted via electronic mail (e-mail) and shall be transmitted in compliance with 45 CFR Part 160 (April 1, 2026) and 45 CFR Part 164 (April 1, 2026).

Rule 4729-3-01 | Disqualifying offenses. (AMEND)

(A) As used in **agency Chapter** 4729 of the Administrative Code, "disqualifying offense" means a criminal offense that is contained in the list adopted pursuant to paragraph (B) of this rule, and any existing or former criminal offense that is substantially equivalent to those explicitly contained in the list under municipal ordinances or laws of this state, any other state, or the United States, as required by division (B) of section 9.79 of the Revised Code.

(B) The board of pharmacy shall issue a resolution providing the list of specific criminal offenses for which a conviction, judicial finding of guilt, or plea of guilty may disqualify an individual from obtaining an initial license or registration issued by the board.

(C) The resolution shall be updated as necessary and shall be made available on the board's web site (www.pharmacy.ohio.gov).

(D) For the purposes of enforcing **agency Chapter** 4729, **and 3796** of the Administrative Code, a certified copy of a plea of guilty to, or a judicial finding of guilt of any crime in a court of competent jurisdiction is conclusive proof of the commission of all of the elements of that crime.

Rule 4729-5-01 | Recognized and approved schools of pharmacy. (AMEND)

(A) Pursuant to section [4729.08](#) of the Revised Code, the state board of pharmacy recognizes and approves all pharmacy programs or schools of pharmacy that have candidate or accreditation status with the accreditation council for pharmacy education (A.C.P.E.). The board, by resolution, reserves the right to:

(1) Deny the recognition or approval of a pharmacy program or school of pharmacy that meets A.C.P.E. candidate or accreditation status; or

(2) Recognize or approve a pharmacy program or school of pharmacy that does not meet A.C.P.E. candidate or accreditation status.

(B) For the purpose of satisfying the requirements of division (C) of section [4729.08](#) of the Revised Code, graduates of a school of pharmacy located outside the United States shall establish educational equivalency by obtaining a "Foreign Pharmacy Graduate Examination **Commission Committee** (FPGEC)" certificate, and by establishing proficiency in spoken English by obtaining the minimum scores required by rule [4729:1-2-04](#) of the Administrative Code on the "Test of English as a Foreign Language, Internet-based test (TOEFL iBT)."

(C) The term "United States," as used in paragraph (B) of this rule, shall be deemed to include all states of the United States, the District of Columbia, the Commonwealth of Puerto Rico or a territory or insular possession subject to the jurisdiction of the United States.