



**STATE OF  
OHIO**  
BOARD OF PHARMACY

## **Rule for Stakeholder Feedback – Prohibition on the Use of Quotas**

***Comment Period Extended to November 14, 2022***

**Date Issued: 10/11/2022**

In 2020 and 2021, the State of Ohio Board of Pharmacy issued workload surveys to Ohio licensed pharmacists. These surveys formed the basis for the creation of the Board's [Pharmacist Workload Advisory Committee](#) (PWAC).

The PWAC began meeting in October 2021 to review the survey data and present a menu of options for consideration by the Board.

As a result of the work of the Committee and [feedback from the pharmacist community](#), the Board is proposing the following rule to prohibit the use of quotas in the operation of a pharmacy.

Comments on the proposed rule are due by close of business on **November 14, 2022**.

Comments must be submitted electronically using the following link:

<https://www.surveymonkey.com/r/quotaRule>



4729:5-3-21 – Prohibition on the Use of Quotas

(A) As used in this rule, “pharmacy personnel” means any of the following licensed or registered in accordance with Chapter 4729 of the Revised Code:

- (1) Pharmacist;
- (2) Pharmacy intern;
- (3) Certified pharmacy technician;
- (4) Registered pharmacy technician;
- (5) Pharmacy technician trainee.

(B) In accordance with division (D) of section 4729.55 of the Revised Code, a pharmacy licensed as a terminal distributor of dangerous drugs shall not establish a quota related to the duties of pharmacy personnel.

(C) A pharmacy shall not, through employees, contractors, or third parties, communicate the existence of quotas, that are prohibited pursuant to this rule, to pharmacy personnel who are employees of the pharmacy or with whom the pharmacy contracts.

(D) For purposes of this rule, “quota” means a fixed number or formula related to the duties of pharmacy personnel, against which the pharmacy or its agent measures or evaluates the number of times either an individual performs tasks or provides services while on duty. “Quota” includes a fixed number or formula related to any of the following:

- (1) Prescriptions filled.
- (2) Services rendered to patients.
- (3) Programs offered to patients.
- (4) Revenue obtained.

(E) For purposes of this section, “quota” does not mean any of the following:

- (1) A measurement of the revenue earned by an pharmacy not calculated in relation to, or measured by, the tasks performed, or services provided by pharmacy personnel.
- (2) Any evaluation or measurement of the competence, performance, or quality of care provided to patients of pharmacy personnel if the evaluation does not use quotas.
- (3) Any performance metric required by state or federal regulators that does not use quotas.

(F) This rule does not prohibit a pharmacy from establishing policies and procedures that assist in assessing the competency and performance of pharmacy personnel in providing care to patients if the measurements used are not, or do not include, quotas.