



## Pharmacist Duty to Report Requirements – Effective 3/1/25

Updated 9/6/2024

Effective March 1, 2025, pharmacists will have to comply with a new version of the Board's duty to report rule, OAC [4729:1-4-02](#). This rule requires licensed pharmacists to report to the Ohio Board of Pharmacy certain types of conduct.

**For more information about the current pharmacist duty to report rule, visit:**  
[www.pharmacy.ohio.gov/PharmReport](http://www.pharmacy.ohio.gov/PharmReport)

**REMINDER:** Per section [4729.23](#) of the Ohio Revised Code, the identity of a pharmacist making a report in accordance with this rule will remain confidential.

### **REPORTING CONDUCT OF OTHER LICENSEES**

A pharmacist must report to the Board no later than 10 days from discovery if the pharmacist has knowledge, from direct observation or objective evidence, of any of the following:

1. Conduct indicating an individual licensed or registered by the Board *is practicing pharmacy* while physically or mentally impaired by alcohol, drugs or other chemical substances or impaired physically or mentally to such a degree as to render the individual unfit to carry out their professional duties.

**IMPORTANT:** A pharmacist shall not report someone who may have a substance use disorder or other medical condition if the pharmacist becomes aware of any condition as a result of either:

- i. The pharmacist's treatment of the individual for the condition; or
- ii. The pharmacist having access to the individual's protected health information.

Further, a pharmacist is not required to report someone who voluntarily seeks treatment for a mental health condition or substance use disorder and there have been no other violations of rule or law.

2. 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), [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 (i.e. terminal distributor of dangerous drugs, wholesale distributor of dangerous drugs, manufacturer of dangerous drugs, outsourcing facility, repackager, home medical equipment services provider, medical marijuana dispensary, third-party logistics provider, pharmacist, pharmacy intern, certified pharmacy technician, registered pharmacy technician, and pharmacy technician trainee).

**IMPORTANT:** A pharmacist is not required to report an error in dispensing or prescription error. Error reporting is the responsibility of the terminal distributor of dangerous drugs (i.e., the pharmacy) per OAC [4729:5-4-02](#) (effective 3.1.2025). For more information on error reporting, visit: [www.pharmacy.ohio.gov/PharmacyReport](http://www.pharmacy.ohio.gov/PharmacyReport).

3. Conduct by a pharmacy technician trainee, registered pharmacy technician, certified pharmacy technician, pharmacy intern or pharmacist that constitutes unprofessional conduct or dishonesty (see Q6 of this document for the definition of unprofessional conduct and dishonesty).

### **SELF-REPORTING REQUIREMENTS**

The rule also includes provisions requiring a pharmacist to self-report to the Board any of the following:

1. Any criminal conviction for, judicial finding of guilt of, or plea of guilty to a disqualifying offense within ten days after the date of conviction. **NOTE:** The conviction must be reported regardless of whether the case has been expunged or sealed or the equivalent thereof.
2. The pharmacist is convicted of, plead guilty to, is subject to a judicial finding of eligibility for intervention in lieu of conviction in this state under section 2951.041 of the Revised Code or the equivalent thereof in another jurisdiction within ten days after the individual is deemed eligible. **NOTE:** The conviction must be reported regardless of whether the case has been expunged or sealed or the equivalent thereof.
3. The pharmacist is granted entry into a diversion program, deferred prosecution program, or the equivalent thereof within ten days after the individual is granted entry into a program.
4. Any arrest for a felony within ten days after the arrest.
5. A pharmacist shall notify the board of any disciplinary licensing or registration action taken by another state against the licensee within ten days of the notice action. This includes, but is not limited to, a disciplinary action that is stayed pending appeal (see Q5 of this document for the definition of a disciplinary action).

**IMPORTANT:** A licensee that seeks out care for a mental health condition or substance use disorder is not required to self-report under the rule.

For questions regarding these requirements, please review the following frequently asked questions. Other questions not addressed here may be emailed to the Board by visiting: <http://www.pharmacy.ohio.gov/contact.aspx>.

## **Q1) How do I submit a report relating to the conduct of an individual or entity licensed or registered by the Board?**

**IMPORTANT:** *This process is only for reporting other licensees/registrants. See Q2 for self-reporting requirements.*

Reporting required in accordance with this rule must be made using any of the following methods:

- In writing, either by mail or using the Board's online complaint form (available on the Board's web site: [www.pharmacy.ohio.gov/complaint](http://www.pharmacy.ohio.gov/complaint)); or
- By telephone during normal business hours (614-466-4143 – ask to speak with the Compliance and Enforcement Department).

The report must include the following:

1. The name of the licensee, registrant or other individual who may have committed a violation;
2. The violation which is believed to have occurred; and
3. The date(s) of and place(s) of occurrence(s), if known.

**REMINDER:** All reports submitted must protect the confidentiality of patients. No patient-identifying information should be disclosed as part of an initial report. The Board may request additional information, including patient information, as part of its investigation.

## **Q2) How do I self-report to the Board?**

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

## **Q3) Am I required to self-report criminal or disciplinary actions that occurred in the past?**

Any prior criminal or disciplinary actions should have been reported upon initial licensure or renewal. The self-report requirements apply to any criminal or disciplinary action, including felony arrest, that occurs on or after March 1, 2025. **NOTE:** For current self-reporting requirements, visit: [www.pharmacy.ohio.gov/PharmReport](http://www.pharmacy.ohio.gov/PharmReport).

**Q4) I am currently appealing a criminal conviction or disciplinary action, am I still required to self-report to the Board?**

Yes. A pharmacist must still self-report any criminal conviction or disciplinary action to the Board, including a criminal conviction or disciplinary action that is stayed pending appeal.

**Q5) How does the Board define a disciplinary action for the purposes of self-reporting?**

Per rule [4729:1-1-01](#) of the Ohio Administrative Code, a “disciplinary action” means any of the following by the Drug Enforcement Administration or licensing agency of any state or jurisdiction, regardless of whether the action occurred by formal proceeding, consent, settlement, or other agreement:

- (1) An action to revoke, suspend, restrict, limit, or refuse to grant or renew a license, registration, or certification;
- (2) A summary or emergency suspension of a license, registration or certification, of any length, and any subsequent revision to the action;
- (3) An administrative fine or money penalty, taken as a result of a formal proceeding, to include any fine or money penalty connected to the delivery of health care services or taken in conjunction with other adverse licensure, registration or certification actions, such as revocation, suspension, censure, reprimand, or probation;
- (4) An action to reprimand or place the license, registration, or certification holder on probation;
- (5) The issuance of a corrective action plan only if such issuance is in conjunction with other adverse licensure, registration or certification actions, such as revocation, suspension, reprimand, probation, or surrender;
- (6) The withdrawal of a renewal application for licensure, registration or certification while under investigation;
- (7) The non-renewal of a license, registration or certification while under investigation or to avoid an investigation;
- (8) The surrender or other relinquishment of a license, registration or certification in lieu of a formal sanction against a person's license, registration, or certificate, whether permanent or temporary;
- (9) In lieu of an adverse licensure, registration or certification action, a licensing agency issues a consent order in which a person agrees not to re-apply for a license, registration, or certification in the future;

(10) An enforceable agreement not to practice or to be placed into inactive or other equivalent status while under investigation or in exchange for not conducting an investigation.

**Q6) How does the Board define unprofessional conduct and dishonesty?**

The terms are defined in [rule 4729:1-4-01 of the Ohio Administrative Code](#):

"Unprofessional conduct" means conduct unbecoming of a licensee, registrant or applicant, or conduct that is detrimental to the best interests of the public, including conduct that endangers the health, safety or welfare of a patient or client. Such conduct shall include, but not be limited to, the following acts: coercion, intimidation, harassment, sexual harassment, improper use of private health information, threats, degradation of character, indecent or obscene conduct, and theft.

"Dishonesty" means any action by a licensee, registrant or applicant to include, but is not limited to, making any statement that deceives, misrepresents or misleads, or be a party to or an accessory to any fraudulent or deceitful practice or transaction in the practice of pharmacy or in the operation or conduct of a pharmacy.

**Q7) What is the standard of proof for reporting other licensees/registrants?**

The rule states a pharmacist is required to report if the pharmacist has knowledge from either direct observation or objective evidence. A pharmacist should use their professional judgement if presented with a situation where they may need to report a licensee or registrant. When in doubt, a licensee/registrant should submit a report.

**Q8) Am I required to report errors in dispensing or prescription errors?**

Effective 3/1/2025, a pharmacist is not required to report an error in dispensing or prescription error. Error reporting is now the responsibility of the pharmacy licensed as a terminal distributor of dangerous drugs per OAC [4729:5-4-02](#).

**REMINDER:** The current pharmacist duty to report rule requires the reporting of errors in dispensing in certain circumstances. For more information on this requirement, visit: [www.pharmacy.ohio.gov/PharmReport](http://www.pharmacy.ohio.gov/PharmReport).

**Q9) What is the required timeframe for reporting?**

**For reporting other licensees/registrants:** The rule states that all reporting to the Board must be conducted within ten (10) days from discovery.

**For self-reporting:** The rule states that all self-reporting to the Board must be conducted within ten (10) days.

**Q10) Is the identity of the individual submitting the report confidential?**

Yes. By law, the identity of the pharmacist making a report shall remain confidential.

**Q11) Are there legal protections for an individual submitting a report?**

Yes. Pursuant to section [4729.10](#) of the Ohio Revised Code, in the absence of fraud or bad faith, a person who reports in accordance with this rule or testifies in any adjudication conducted under Chapter 119. of the Ohio Revised Code is not liable to any person for damages in a civil action as a result of the report or testimony.

**Q12) Am I required to self-report seeking treatment for a mental health condition or substance use disorder?**

No. A licensee that seeks out care for a mental health condition or substance use disorder is not required to self-report under the rule.

**Q13) A representative from my pharmacy has already submitted a report to the Board, am I required to submit a report?**

No. A pharmacist, pharmacy intern, certified pharmacy technician, registered pharmacy technician, or pharmacy technician trainee shall not be required to make a report to the Board pursuant to the applicable duty to report rules if the licensee or registrant is employed by or under contract with a pharmacy licensed as a terminal distributor of dangerous drugs and the terminal distributor submits a report to the Board.