

4729:5-18-03

Demonstration of need.

- (A) Except as provided in this rule, a remote dispensing pharmacy shall not be located within a ten-mile radius of a pharmacy that serves the public as an outpatient pharmacy as defined in Chapter 4729:5-5 of the Administrative Code.
- (B) A remote dispensing pharmacy may be located within the ten-mile radius of an outpatient pharmacy if either of the following apply:
- (1) The remote dispensing pharmacy is part of a federally qualified health center or federally qualified health center look-alike, as defined in section 3701.047 of the Revised Code, and the remote dispensing pharmacy is located on the same property as, or on a campus contiguous to, the health center or look-alike.
 - (2) The board approves a request, based on a demonstration of need, that meets the standards established in paragraph (C) of this rule.
- (C) A person may submit a request to the board, in a manner determined by board, to allow a remote dispensing pharmacy located within a ten-mile radius of an outpatient pharmacy if the proposed remote dispensing pharmacy is located in census block that is medium-high (0.5-0.75) or high (greater than 0.75) based upon the social vulnerability index (SVI) as designated by the board's Ohio Pharmacy Access Dashboard (accessible via www.pharmacy.ohio.gov).
- (D) Persons may register to receive notice from the board (accessible via www.pharmacy.ohio.gov) of requests received pursuant to paragraph (C) of this rule. The board shall notify any person who has registered to be notified and allow for the submission of public comments on the proposed request.
- (E) During the sixty-day period that begins on the date that the board sends the electronic notice, a pharmacy currently operating in the state may submit a request to the board for approval to operate a remote dispensing pharmacy.
- (F) At the board's next regularly scheduled meeting that occurs on or after the date that is ninety days after the electronic notices are sent, the board shall review all the requests received and make its determination of whether any should be approved. As part of the board's determination, it shall consider the following:
- (1) Any comments received from the public;
 - (2) The geographic proximity of the supervising pharmacy to the proposed remote dispensing pharmacy;
 - (3) The supervising pharmacy has not been disciplined for a violation of rule 4729:5-5-02 and all subsequent rules thereunder within the preceding twelve months;

- (4) The supervising pharmacy has not been disciplined for any theft or significant loss of dangerous drugs within the preceding twelve months; and
- (5) The supervising pharmacy is not currently on probation or has other restrictions placed upon its terminal distributor of dangerous drugs license pursuant to a settlement agreement or order of the board.

Effective: 4/6/2026

Five Year Review (FYR) Dates: 04/06/2031

CERTIFIED ELECTRONICALLY

Certification

03/26/2026

Date

Promulgated Under: 119.03
Statutory Authority: 4729.26
Rule Amplifies: 4729.554, 3719.28