



**STATE OF
OHIO**
BOARD OF PHARMACY

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For Immediate Release

Cameron McNamee

Media.relations@pharmacy.ohio.gov

614-466-7322

State of Ohio Board of Pharmacy Issues Decision in CVS Pharmacy #2063 Case

Columbus, Ohio — On February 6, 2024, the State of Ohio Board of Pharmacy issued a decision on a case regarding CVS Pharmacy #2063. Per [Board order](#), CVS Pharmacy #2063 (Canton) is required comply with all the following:

- CVS #2063 is subject to an indefinite probationary period, effective as of the date of the Board’s order. Upon demonstration of compliance with the terms of the Board’s order, but no sooner than three years from the date of the order, CVS #2063 may request – in writing – that it be released from probation.
- CVS #2063 will be subject to enhanced monitoring by the Board, at its discretion.
- CVS #2063 must pay a monetary penalty of \$250,000.
- CVS #2063 must ensure that sufficient personnel are scheduled at all times in order to minimize fatigue, distraction, or other conditions which interfere with a pharmacist’s ability to practice with requisite judgment, skill, competence, and safety to the public. Staffing levels shall not be solely based on prescription volume but, in determining the need for staff, CVS #2063 shall consider any other requirements of the practice of pharmacy by pharmacy personnel during working hours.
- CVS #2063 must develop a process for its pharmacy staff to communicate requests for additional staff or reports of staffing concerns. Requests for additional staff or reports of staffing concerns shall be communicated and documented in writing by the responsible person or pharmacist on duty to their supervisor. These requests

77 South High Street, 17th Floor, Columbus, Ohio 43215

T: (614) 466.4143 | F: (614) 752.4836 | contact@pharmacy.ohio.gov | www.pharmacy.ohio.gov



shall also be forwarded to the Board, unless otherwise instructed by the Probation Committee.

- CVS #2063's Responsible Person and/or Board-approved designated representative of CVS Health LLC, shall appear before the Probation Committee upon request.
- CVS #2063 shall not retaliate against or discipline a pharmacist, pharmacy technician, pharmacy technician trainee, intern, or any other employee who communicates a request for additional staff or reports staffing concerns or reports concerns related to working conditions or non-compliance with the Board's order to supervisor(s), CVS management, and/or the Board. Retaliation or discipline includes, but is not limited to:
 - Removing or suspending the employee from employment;
 - Withholding from the employee salary increases or employee benefits to which the employee is otherwise entitled;
 - Transferring or reassigning the employee;
 - Denying the employee a promotion that otherwise would have been received; and
 - Reducing the employee in pay or position.
- CVS #2063 must process (have completed final verification and be ready for patient pick-up) all new and refill (not generated by an auto-refill program) prescriptions within no more than three (3) business days of receiving the prescription. CVS #2063 must process (have completed final verification and be ready for patient pick-up) all refill prescriptions generated by an auto-refill program within no more than five (5) business days of receiving the prescription or the auto-refill notice.
 - The responsible person or pharmacist on duty shall communicate and document any prescription fills or refills that exceed the time limits set forth in the Board's order to their supervisor. These notifications shall also be forwarded to the Board, unless otherwise instructed by the Probation Committee.
- Pharmacists, pharmacy technicians, and interns shall not be required to administer vaccines when only a single pharmacist is on duty, and in that pharmacist's professional judgment, the vaccine cannot be administered safely.
- CVS #2063 is required to bear any costs associated with the terms and conditions of the Board's order.

The decision in this case stems from an [investigation initiated by the Board in 2021](#) that found customers experiencing significant delays in obtaining prescriptions, phones not working properly, lack of appropriate drug security and control, and failure to provide a safe working environment for pharmacy staff.

“We hope that this decision will send a strong message to Ohio pharmacies that they have an obligation to serve their patients by ensuring appropriate staffing levels,” said State of Ohio Board of Pharmacy Executive Director Steven W. Schierholt. “The Board will continue to inspect and hold those accountable for working conditions that endanger patients and pharmacy staff.”

In addition to inspections, the Board recently filed a set of rules with the Joint Committee on Agency Rule Review (JCARR) to strengthen regulations on working conditions in pharmacies. These rules include requirements for pharmacies to develop a process to address staffing concerns, provides mandatory rest breaks for pharmacy personnel, bans the use of quotas, and requires pharmacies to dispense medications within a certain timeframe to avoid delays that could endanger patient health. Links to those rules can be found at the end of this release.

The rule package was developed in response to the work of the Board’s Pharmacist Workload Advisory Committee. For more information on the work of this group, including links to survey data visit: www.pharmacy.ohio.gov/PWAC.

NOTE: A link to a copy of the Board’s full order can be accessed [here](#).

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Minimum Standards Rules Filed with JCARR

Rule Number	Tagline	Link to Rule Text
4729:5-5-02	Minimum Standards for the Operation of an Outpatient Pharmacy.	Link
4729:5-5-02.1	Provision of Ancillary Services in an Outpatient Pharmacy.	Link
4729:5-5-02.2	Mandatory Rest Breaks for Pharmacy Personnel.	Link
4729:5-5-02.3	Requests for Additional Staff and Reports of Staffing Concerns in an Outpatient Pharmacy.	Link
4729:5-5-02.4	Significant Delays in the Provision of Pharmacy Services.	Link
4729:5-5-02.5	Outpatient Pharmacy Access Points.	Link