

Compliance Requirements Heightened Under New Pharmacy Board Rules

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Beginning Dec. 1, 2019, pharmacists licensed by the State of Ohio Board of Pharmacy (“Board”) will have new reporting requirements. The Board enacted similar reporting requirements for pharmacy interns, pharmacy technician trainees, and registered and certified pharmacy technicians. These new reporting requirements add to existing compliance considerations and burdens for licensees, registrants, their employers, and owners and operators of retail and institutional pharmacies.

Under the new rules, a pharmacist licensed by the Board must report the following to the Board:

1. Conduct indicating another Board licensee or registrant is addicted to or is suspected of abusing alcohol, drugs or other chemical substances, or is impaired physically or mentally such that he or she is unfit to carry out his or her professional duties.
2. Violations, attempts to violate, or assisting in a violation of the Ohio Pharmacy Practice Act, the Ohio Controlled Substances Act, certain other Ohio laws, or any Board rule adopted under such laws, by an individual or entity licensed or registered by the Board.
3. Conduct by another Board licensee or registrant of unprofessional conduct or dishonesty.

Reports are to be based on the pharmacist’s direct observation or objective evidence. There are certain limited exceptions to the above required reports.

Additionally, a pharmacist licensed by the Board must self-report to the Board:

1. A criminal conviction within 10 days following the conviction date, except for minor traffic violations, such as speeding or running a red light.
2. A conviction, guilty plea, or finding of eligibility for intervention in lieu of conviction in Ohio or the equivalent in another jurisdiction within 10 days after being deemed eligible.

3. Being granted entry into a diversion or deferral program or the equivalent within 10 days after being granted entry.
4. Being arrested for a felony within 10 days after the arrest.
5. Any disciplinary action taken by the DEA or another state within ten days of the notice action.

A pharmacist who reports under the new rules will remain confidential; however, he or she may be required to testify in a disciplinary proceeding as to the report. In the absence of fraud or bad faith, a person who reports or testifies is not liable for damages in a civil action as a result of the report or testimony.

Seek legal counsel if you are unsure

Note that certain terms in the new rules are specifically defined. A fact-based review with legal counsel is recommended, because a failure to report in accordance with the new rules may result in a disciplinary action against a licensee or registrant.

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