

8/8/2017

The following information is being provided pursuant to the requirements of Executive Order 2011-01K and Senate Bill 2 of the 129th General Assembly, which require state agencies, including the State of Ohio Board of Pharmacy, to draft rules in collaboration with stakeholders, assess and justify an adverse impact on the business community (as defined by S.B. 2), and provide an opportunity for the affected public to provide input on the following rules.

New

- 4729-4-01: Provides definitions related to accessing confidential personal information maintained by the Board of Pharmacy. Renumbered from 4729-1-01.
- 4729-4-02: Outlines regulations related to accessing confidential personal information maintained by the Board of Pharmacy. Renumbered from 4729-1-02.
- 4729-6-01: Establishes definitions related to continuing education providers.
- 4729-6-02: Establishes approval requirements for in-state providers of pharmacy jurisprudence continuing education.
- 4729-6-03: Establishes approval requirements of in-state providers of pharmacy jurisprudence continuing education for providing volunteer health care services.

Rescinded

- 4729-7-01: Provides definition for current license renewal and pharmacist continuing education rule chapter. Content of the rule is moving to a new division (4729:1-5) of the Administrative Code.
- 4729-7-02: Requirements for renewal of a pharmacist's identification card. Renewal procedures are being moved to proposed rule 4729:1-2-07.
- 4729-7-03: Requires pharmacists to maintain documentation of continuing education training. Continuing education requirements for pharmacists are being moved to a new division (4729:1-5) of the Administrative Code.
- 4729-7-05: Provides the procedure for approval as a provider for continuing pharmacy education. Procedures are being moved to a new chapter (4729-6) of the Administrative Code.
- 4729-7-06: Provides the criteria for in-state approved providers of continuing pharmacy education. Criteria are being moved to a new chapter (4729-6) of the Administrative Code.
- 4729-7-07: Permits the Board to place providers of continuing pharmacy education on probation. Probation authority is being moved to a new chapter (4729-6) of the Administrative Code.

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- 4729-7-08: Provides an alternative method for demonstrating compliance with continuing pharmacy education. Alternative methods for demonstrating CE compliance are being moved to a new division (4729:1-5) of the Administrative Code.
- 4729-7-09: Provides the standards for pharmacy jurisprudence continuing education programs. Standards for pharmacy jurisprudence programs are being moved to a new chapter (4729-6) of the Administrative Code.
- 4729-7-10: Provides extension for CE requirements and licensure renewal for veterans and their spouses. These extension requirements are being moved to proposed rules 4729:1-2-08 and 4729:1-5-03 CE extension and licensure renewal.

Comments on the proposed rules will be accepted until close of business on August 28, 2017. Please send all comments to the following email address:

Cameron.mcnamee@pharmacy.ohio.gov

In addition, please copy your comments to:

CSIPublicComments@governor.ohio.gov

CSI - Ohio

The Common Sense Initiative

Business Impact Analysis

Agency Name: State of Ohio Board of Pharmacy

Regulation/Package Title: Confidential information and continuing education

Rule Number(s): New: 4729-4-01; 4729-4-02; 4729-6-01; 4729-6-02; 4729-6-03

Rescinded: 4729-7-01; 4729-7-02; 4729-7-03; 4729-7-05; 4729-7-06; 4729-7-07; 4729-7-08;

4729-7-09; 4729-7-10

Date: 8/28/2017

Rule Type:

New

5-Year Review

Amended

Rescinded

The Common Sense Initiative was established by Executive Order 2011-01K and placed within the Office of the Lieutenant Governor. Under the CSI Initiative, agencies should balance the critical objectives of all regulations with the costs of compliance by the regulated parties. Agencies should promote transparency, consistency, predictability, and flexibility in regulatory activities. Agencies should prioritize compliance over punishment, and to that end, should utilize plain language in the development of regulations.

Regulatory Intent

1. Please briefly describe the draft regulation in plain language.

New

- 4729-4-01: Provides definitions related to accessing confidential personal information maintained by the Board of Pharmacy. Renumbered from 4729-1-01.

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- 4729-4-02: Outlines regulations related to accessing confidential personal information maintained by the Board of Pharmacy. Renumbered from 4729-1-02.
- 4729-6-01: Establishes definitions related to continuing education providers.
- 4729-6-02: Establishes approval requirements for in-state providers of pharmacy jurisprudence continuing education.
- 4729-6-03: Establishes approval requirements of in-state providers of pharmacy continuing education for providing volunteer health care services.

Rescinded

- 4729-7-01: Provides definition for current license renewal and pharmacist continuing education rule chapter. Content of the rule is moving to a new division (4729:1-5) of the Administrative Code.
- 4729-7-02: Requirements for renewal of a pharmacist's identification card. Renewal procedures for pharmacists are being moved to proposed rule 4729:1-2-07.
- 4729-7-03: Requires pharmacists to maintain documentation of continuing education training. Continuing education requirements for pharmacists are being moved to a new division (4729:1-5) of the Administrative Code.
- 4729-7-05: Provides the procedure for approval as a provider for continuing pharmacy education. Procedures are being moved to a new chapter (4729-6) of the Administrative Code.
- 4729-7-06: Provides the criteria for in-state approved providers of continuing pharmacy education. Criteria are being moved to a new chapter (4729-6) of the Administrative Code.
- 4729-7-07: Permits the Board to place providers of continuing pharmacy education on probation. Probation authority is being moved to a new chapter (4729-6) of the Administrative Code.
- 4729-7-08: Provides an alternative method for demonstrating compliance with continuing pharmacy education. Alternative methods for demonstrating CE compliance are being moved to a new division (4729:1-5) of the Administrative Code.
- 4729-7-09: Provides the standards for pharmacy jurisprudence continuing education programs. Standards for pharmacy jurisprudence programs are being moved to a new chapter (4729-6) of the Administrative Code.
- 4729-7-10: Provides extension for CE requirements and licensure renewal for veterans and their spouses. These extension requirements are being moved to proposed rules 4729:1-2-08 and 4729:1-5-03 CE extension and licensure renewal.

2. Please list the Ohio statute authorizing the Agency to adopt this regulation.

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The proposed rules are authorized by sections 1347.15 and 4729.26 of the Ohio Revised Code.

3. Does the regulation implement a federal requirement? Is the proposed regulation being adopted or amended to enable the state to obtain or maintain approval to administer and enforce a federal law or to participate in a federal program?

These rules do not implement a federal requirement.

4. If the regulation includes provisions not specifically required by the federal government, please explain the rationale for exceeding the federal requirement.

This rule package exceeds federal requirements because the regulation of the practice of pharmacy has traditionally been done at the state level by legislatively created state boards of pharmacy. The regulation of the pharmacy practice includes setting standards for continuing pharmacy education. The confidentiality rules are being promulgated to comply with the requirements of section 1347.15 of the Revised Code.

5. What is the public purpose for this regulation (i.e., why does the Agency feel that there needs to be any regulation in this area at all)?

Section 4729.26 of the Ohio Revised Code authorizes the Board of Pharmacy to adopt rules governing the practice of pharmacy and distribution of dangerous drugs.

Section 1347.15 of the Ohio Revised Code requires the Board of Pharmacy to adopt rules regulating access to the personal information the agency maintains.

6. How will the Agency measure the success of this regulation in terms of outputs and/or outcomes?

The success of the regulations will be measured by having rules written in plain language, licensee compliance with the rules, and minimal questions from licensees regarding the provisions of the rules.

Development of the Regulation

7. Please list the stakeholders included by the Agency in the development or initial review of the draft regulation.

The rules in this package were reviewed by the Board's Rules Review Committee. The Committee, composed of pharmacists from a number of practice settings, is responsible for reviewing and approving all rules prior to their legislatively mandated five-year review date.

Prior to filing with CSI, the rules were also reviewed and approved by the Board of Pharmacy.

8. What input was provided by the stakeholders, and how did that input affect the draft regulation being proposed by the Agency?

For the proposed rules, the Board of Pharmacy Rules Review Committee reviewed the proposed changes. Any proposed feedback agreed to by the committee and approved by the Board was incorporated into the rule package.

9. What scientific data was used to develop the rule or the measurable outcomes of the rule? How does this data support the regulation being proposed?

Scientific data was not used to develop or review this rule.

10. What alternative regulations (or specific provisions within the regulation) did the Agency consider, and why did it determine that these alternatives were not appropriate? If none, why didn't the Agency consider regulatory alternatives?

As the regulations are essential to protecting the public's safety by ensuring uniform standards pharmacy continuing education, the State of Ohio Board of Pharmacy did not consider any regulatory alternatives.

Section 1347.15 of the Ohio Revised Code requires the Board of Pharmacy to adopt rules regulating access to the personal information the agency maintains.

11. Did the Agency specifically consider a performance-based regulation? Please explain.
Performance-based regulations define the required outcome, but don't dictate the process the regulated stakeholders must use to achieve compliance.

The agency did not consider a performance-based regulation for this rule package. It is the Board's responsibility to ensure uniform regulations across Ohio. At this juncture, it was the determination of the Board that the rule package did not lend itself to performance-based regulations.

12. What measures did the Agency take to ensure that this regulation does not duplicate an existing Ohio regulation?

The Board of Pharmacy's Director of Policy and Communications reviewed the proposed rules to ensure that the regulations do not duplicate another State of Ohio Board of Pharmacy regulation.

13. Please describe the Agency's plan for implementation of the regulation, including any measures to ensure that the regulation is applied consistently and predictably for the regulated community.

The rules will be posted on the Board of Pharmacy's web site, information concerning the rules will be included in materials e-mailed to licensees, and notices will be sent to associations, individuals and groups. Board of Pharmacy staff are also available via phone or email to answer questions regarding implementation of the rules. In addition, the Board's compliance agents are trained to educate licensees on current and/or new regulations during on-site inspections.

Board of Pharmacy staff receive regular updates on rules via a monthly internal newsletter, quarterly staff meetings featuring a regulatory update, mandatory all-day law reviews for new employees, email updates from the Director of Policy and Communications and feedback from the Board's legal department for every citation submitted.

Adverse Impact to Business

14. Provide a summary of the estimated cost of compliance with the rule. Specifically, please do the following:

a. Identify the scope of the impacted business community;

The rule package impacts the following:

- Providers of pharmacy continuing education.

b. Identify the nature of the adverse impact (e.g., license fees, fines, employer time for compliance); and

Violation of these rules may result suspension or probation of a continuing pharmacy education provider.

c. Quantify the expected adverse impact from the regulation.

New

- 4729-4-01: Provides definitions related to accessing confidential personal information maintained by the Board of Pharmacy. Renumbered from 4729-1-01. This rule impacts agency operation and should have no adverse impact on business.
- 4729-4-02: Outlines regulations related to accessing confidential personal information maintained by the Board of Pharmacy. Renumbered from 4729-1-02. This rule impacts agency operation and should have no adverse impact on business.
- 4729-6-01: Establishes definitions related to continuing education providers. This section does restrict CE providers to board approved jurisprudence programs, volunteer healthcare services and providers accredited by the Accreditation Council for Pharmacy Education (ACPE). The cost to obtain ACPE accreditation is \$6,600.00.
- 4729-6-02: Establishes approval requirements for in-state providers of pharmacy jurisprudence continuing education. This does require in-state jurisprudence providers to obtain Board approval. This application process takes between 30 minutes to an hour to complete. In addition, all jurisprudence programs must be approved by the Board.
- 4729-6-03: Establishes approval requirements of in-state providers of pharmacy continuing education for providing volunteer health care services. Requires in-state providers to obtain Board approval. This application process takes between 30 minutes to an hour to complete.

Rescinded

- 4729-7-01: Provides definition for current license renewal and pharmacist continuing education rule chapter. Content of the rule is moving to a new division (4729:1-5) of the Administrative Code. The regulation should have no adverse impact as it is being rescinded.
- 4729-7-02: Requirements for renewal of a pharmacist's identification card. Renewal procedures for pharmacists are being moved to proposed rule 4729:1-2-07. The regulation should have no adverse impact as it is being rescinded.
- 4729-7-03: Requires pharmacists to maintain documentation of continuing education training. Continuing education requirements for pharmacists are being moved to a new division (4729:1-5) of the Administrative Code. The regulation should have no adverse impact as it is being rescinded.
- 4729-7-05: Provides the procedure for approval as a provider for continuing pharmacy education. Procedures are being moved to a new chapter (4729-6) of the Administrative Code. The regulation should have no adverse impact as it is being rescinded.
- 4729-7-06: Provides the criteria for in-state approved providers of continuing pharmacy education. Criteria are being moved to a new chapter (4729-6) of the Administrative Code. The regulation should have no adverse impact as it is being rescinded.

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- 4729-7-07: Permits the Board to place providers of continuing pharmacy education on probation. Probation authority is being moved to a new chapter (4729-6) of the Administrative Code. The regulation should have no adverse impact as it is being rescinded.
- 4729-7-08: Provides an alternative method for demonstrating compliance with continuing pharmacy education. Alternative methods for demonstrating CE compliance are being moved to a new division (4729:1-5) of the Administrative Code. The regulation should have no adverse impact as it is being rescinded.
- 4729-7-09: Provides the standards for pharmacy jurisprudence continuing education programs. Standards for pharmacy jurisprudence programs are being moved to a new chapter (4729-6) of the Administrative Code. The regulation should have no adverse impact as it is being rescinded.
- 4729-7-10: Provides extension for CE requirements and licensure renewal for veterans and their spouses. These extension requirements are being moved to proposed rules 4729:1-2-08 and 4729:1-5-03 CE extension and licensure renewal. The regulation should have no adverse impact as it is being rescinded.

15. Why did the Agency determine that the regulatory intent justifies the adverse impact to the regulated business community?

The Board determined that the regulatory intent justifies the impact on business because the regulations protect and promote public safety by ensuring uniform standards, through national accreditation, for continuing pharmacy education providers.

Regulatory Flexibility

16. Does the regulation provide any exemptions or alternative means of compliance for small businesses? Please explain.

These rules do not provide any exemptions or alternative means of compliance for small businesses. The law does not differentiate on the size of the business and therefore the regulation is uniform across Ohio.

17. How will the agency apply Ohio Revised Code section 119.14 (waiver of fines and penalties for paperwork violations and first-time offenders) into implementation of the regulation?

The State of Ohio Board of Pharmacy does not fine licensees or impose penalties for first-time paperwork violations as it pertains to these rules.

18. What resources are available to assist small businesses with compliance of the regulation?

Board of Pharmacy staff is available by telephone and e-mail to answer questions. Board staff members also provide presentations to groups and associations who seek updates on current regulations. Additionally, staff are trained to educate licensees on compliance with all Board of Pharmacy rules and regulations.

4729-4-01 Definitions - confidential personal information. (Renumbered from 4729-1-01)

For the purposes of administrative rules promulgated in accordance with section 1347.15 of the Revised Code, the following definitions apply:

(A) "Access" as a noun means an opportunity to copy, view, or otherwise perceive whereas "access" as a verb means to copy, view, or otherwise perceive.

(B) "Acquisition of a new computer system" means the purchase of a "computer system," as defined in this rule, that is not a computer system currently in place nor one for which the acquisition process has been initiated as of the effective date of the board rule addressing requirements of section 1347.15 of the Revised Code.

(C) "Board" means the state of Ohio board of pharmacy.

(D) "Computer system" means a "system," as defined by section 1347.01 of the Revised Code, that stores, maintains, or retrieves personal information using electronic data processing equipment.

(E) "Confidential personal information" (CPI) has the meaning as defined by division (A)(1) of section 1347.15 of the Revised Code and identified by rules promulgated by the board in accordance with division (B)(3) of section 1347.15 of the Revised Code that reference the federal or state statutes or administrative rules that make personal information maintained by the board confidential.

(F) "Employee of the board" means each employee of the board regardless of whether the employee holds an elected or appointed office or position within the board. "Employee of the board" is limited to the board of pharmacy.

(G) "Incidental contact" means contact with the information that is secondary or tangential to the primary purpose of the activity that resulted in the contact.

(H) "Individual" means natural person or the natural person's authorized representative, legal counsel, legal custodian, or legal guardian.

(I) "Information owner" means the individual appointed in accordance with division (A) of section 1347.05 of the Revised Code to be directly responsible for a system.

(J) "Person" means natural person.

(K) "Personal information" has the same meaning as defined in division (E) of section 1347.01 of the Revised Code.

(L) "Personal information system" means a "system" that "maintains" "personal information" as those terms are defined in section 1347.01 of the Revised Code.

(M) "Research" means a methodical investigation into a subject.

(N) "Routine" means common place, regular, habitual, or ordinary.

(O) "Routine information that is maintained for the purpose of internal office administration, the use of which would not adversely affect a person" as that phrase is used in division (F) of section 1347.01 of the Revised Code means personal information relating to the board's employees that is maintained by the board for administrative and human resource purposes.

(P) "System" has the same meaning as defined by division (F) of section 1347.01 of the Revised Code.

(Q) "Upgrade" means a substantial redesign of an existing system for the purpose of providing a substantial amount of new application functionality, or application modifications that would involve substantial administrative or fiscal resources to implement, but would not include maintenance, minor updates and patches, or modifications that entail a limited addition of functionality due to changes in business or legal requirements.

4729-4-02 Confidential personal information. (Renumbered from 4729-1-02)

(A) Procedures for accessing confidential personal information.

For personal information systems, whether manual or computer systems, that contain confidential personal information, the board shall do the following:

(1) Criteria for accessing confidential personal information. Personal information systems of the board are managed on a "need-to-know" basis whereby the information owner determines the level of access required for an employee of the board to fulfill the employee's job duties. The determination of access to confidential personal information shall be approved by the employee's supervisor and the information owner prior to providing the employee with access to confidential personal information within a personal information system. The board shall establish procedures for determining a revision to an employee's access to confidential personal information upon a change to that employee's job duties including, but not limited to, transfer or termination. Whenever an employee's job duties no longer require access to confidential personal information in a personal information system, the employee's access to confidential personal information shall be removed.

(2) Individual's request for a list of confidential personal information. Upon the signed written request of any individual for a list of confidential personal information about the individual maintained by the board, the board shall do the following:

(a) Verify the identity of the individual by a method that provides safeguards commensurate with the risk associated with the confidential personal information;

(b) Provide to the individual the list of confidential personal information that does not relate to an investigation about the individual or is otherwise not excluded from the scope of Chapter 1347. of the Revised Code; and

(c) If all information relates to an investigation about that individual, inform the individual that the board has no confidential personal information about the individual that is responsive to the individual's request.

(3) Notice of invalid access:

(a) Upon discovery of or notification that confidential personal information of a person has been accessed by an employee for an invalid reason, the board shall notify the person whose information was invalidly accessed as soon as practical and to the extent known at the time. However, the board shall delay notification for a period of time necessary to ensure that the notification would not delay or impede an investigation or jeopardize homeland or national security. Additionally, the board may delay the notification consistent with any measures necessary to determine the scope of the invalid access, including which individuals' confidential personal information was invalidly accessed, and to restore the reasonable integrity of the system.

"Investigation" as used in this paragraph means the investigation of the circumstances and involvement of an employee surrounding the invalid access of the confidential personal information. Once the board determines that notification would not delay or impede an investigation, the board shall disclose the access to confidential personal information made for an invalid reason to the person.

(b) Notification provided by the board shall inform the person of the type of confidential personal information accessed and the date(s) of the invalid access.

(c) Notification may be made by any method reasonably designed to accurately inform the person of the invalid access, including written, electronic, or telephone notice.

(4) Appointment of a data privacy point of contact. The board executive director shall designate an employee of the board to serve as the data privacy point of contact. The data privacy point of contact shall work with the chief privacy officer within the office of information technology to assist the board with both the implementation of privacy protections for the confidential personal information that the board maintains and compliances with section 1347.15 of the Revised Code and the rules adopted pursuant to the authority provided by that chapter.

(5) Completion of a privacy impact assessment. The board executive director shall designate an employee of the board to serve as the data privacy point of contact who shall timely complete the privacy impact assessment form developed by the office of information technology.

(B) Valid reasons for accessing confidential personal information.

Pursuant to the requirements of division (B)(2) of section 1347.15 of the Revised Code, this rule contains a list of valid reasons, directly related to the board's exercise of its powers or duties, for which only authorized employees of the board or board members may access confidential personal information (CPI) regardless of whether the personal information system is a manual system or a computer system.

(1) Performing the following functions constitute valid reasons for authorized employees or members of the board to access confidential personal information:

(a) Responding to a public records request;

(b) Responding to a request from an individual for the list of CPI the board maintains on that individual;

(c) Administering a constitutional provision or duty;

(d) Administering a statutory provision or duty;

(e) Administering an administrative provision or duty;

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- (f) Complying with any state or federal program requirements;
 - (g) Processing or payment of claims or otherwise administering a program with individual participants or beneficiaries;
 - (h) Auditing purposes;
 - (i) Licensure processes;
 - (j) Investigation or law enforcement purposes;
 - (k) Administrative hearings;
 - (l) Litigation, complying with an order of the court, or subpoena;
 - (m) Human resource matters, including hiring, promotion, demotion, discharge, salary or compensation issues, processing leave requests or issues, time card approvals or issues, and payroll processing;
 - (n) Complying with an executive order or policy;
 - (o) Complying with a board policy or a state administrative policy issued by the department of administrative services, the office of budget and management or other similar state agency; or
 - (p) Complying with a collective bargaining agreement provision.
- (2) To the extent that the general processes described in paragraph (A) of this rule do not cover the following circumstances, for the purpose of carrying out specific duties of the board, authorized employees, contractors and board members would also have valid reasons for accessing CPI in these following circumstances:
- (a) Conducting a review of individuals who may be potential witnesses or other sources of information in a criminal or administrative proceeding;
 - (b) Administering the dangerous drug database also known as the "Ohio Automated Rx Reporting System" or "OARRS";
 - (c) Inspection purposes;
 - (d) Administering board orders; or
 - (e) Research performed for official duties.
- (C) Confidentiality statutes, regulations, and rules.

The following federal statutes or regulations or state statutes or administrative rules make personal information maintained by the board confidential and identify the confidential personal information within the scope of rules promulgated by this board in accordance with section 1347.15 of the Revised Code:

(1) Social security numbers: 5 U.S.C. 552a (12/19/2014), unless the individual was told that the number would be disclosed.

(2) "Bureau of Criminal Identification and Investigation" criminal records check results: section 4776.04 of the Revised Code.

(3) Student education records: 20 U.S.C. 1232g (1/14/2013).

(4) Dangerous drug database information: division (C) of 4729.79 of the Revised Code.

(5) Personal health information: 45 C.F.R. 164.502 (1/25/2013) from the federal " Health Insurance Portability and Accountability Act of 1996 (HIPAA). "

(6) Substance abuse treatment records: section 5119.27 of the Revised Code and 42 U.S.C. 290dd-2 (7/20/2016).

(7) Records of dangerous drugs and controlled substances: section 3719.13 of the Revised Code.

(8) Security or infrastructure records: division (B) of section 149.433 of the Revised Code.

(9) Information or records that are attorney client privileged: division (A)(1) of section 2317.02 of the Revised Code.

(10) Mediation communications or records: section 2710.03 of the Revised Code.

(11) Trial preparation records: division (A)(1)(g) of section 149.43 of the Revised Code.

(12) Court filings: Rule 45(D)(1) of the rules of superintendence for the courts of Ohio.

(D) Restricting and logging access to confidential personal information in computerized personal information systems.

For personal information systems that are computer systems and contain confidential personal information, the board shall do the following:

(1) Access restrictions. Access to confidential personal information that is kept electronically shall require a password or other authentication measure.

(2) Acquisition of a new computer system. When the board acquires a new computer system that stores, manages or contains confidential personal information, the board shall include a

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mechanism for recording specific access by employees of the board to confidential personal information in the system.

(3) Upgrading existing computer systems. When the board modifies an existing computer system that stores, manages or contains confidential personal information, the board shall make a determination whether the modification constitutes an upgrade. Any upgrades to a computer system shall include a mechanism for recording specific access by employees of the board to confidential personal information in the system.

(4) Logging requirements regarding confidential personal information in existing computer systems.

(a) The board shall require employees of the board who access confidential personal information within computer systems to maintain a log that records that access.

(b) Access to confidential information is not required to be entered into the log under the following circumstances:

(i) The employee or contractor of the board is accessing confidential personal information for official board purposes, including research, and the access is not specifically directed toward a specifically named individual or a group of specifically named individuals.

(ii) The employee of the board is accessing confidential personal information for routine office procedures and the access is not specifically directed toward a specifically named individual or a group of specifically named individuals.

(iii) The employee of the board comes into incidental contact with confidential personal information and the access of the information is not specifically directed toward a specifically named individual or a group of specifically named individuals.

(c) The employee of the board accesses confidential personal information about an individual based upon a request made under either of the following circumstances:

(i) The individual requests confidential personal information about himself or herself.

(ii) The individual makes a request that the board take some action on that individual's behalf and accessing the confidential personal information is required in order to consider or process the request.

(d) For purposes of this paragraph, the board may choose the form or forms of logging, whether in electronic or paper formats.

(5) Log management. The board shall issue a policy that specifies the following:

(a) Who shall maintain the log;

- (b) What information shall be captured in the log;
- (c) How the log is to be stored;
- (d) How long information kept in this log is to be retained.
- (6) Nothing in this rule limits the board from requiring logging in any circumstance that it deems necessary.

4729-06-01 – Continuing Education Providers – Definitions

(A) “A.C.P.E.” means the Accreditation Council for Pharmacy Education.

(B) "Continuing education unit" or “C.E.U.” means ten contact hours of participation in an organized continuing pharmacy education experience presented by an approved provider.

(C) "Continuing pharmacy education" or “continuing education”, as required in section 4729.12 of the Revised Code, is defined as post-licensure pharmacy education undertaken to maintain professional competency to practice pharmacy, improve professional skills, and preserve uniform qualifications for continuing the practice of the profession for the purpose of protecting public health and welfare. Continuing pharmacy education may be obtained from any of the following providers:

(1) A pharmacy jurisprudence program pursuant to paragraph (E) of this rule;

(2) An approved in-state provider of volunteer healthcare services in accordance rule 4729-6-03 of the Administrative Code;

(3) An A.C.P.E. accredited continuing education provider.

(D) “In-state provider” means an Ohio provider approved by the state board of pharmacy to provide the following continuing pharmacy education:

(1) Board approved pharmacy jurisprudence in accordance with paragraph (E)(2) of this rule; or

(2) Volunteer healthcare services in accordance with paragraph (C)(2) of this rule.

(E) "Pharmacy jurisprudence" continuing education shall include any of the following:

(1) An A.C.P.E. law program as identified by A.C.P.E numbering convention "03";

(2) A board of pharmacy approved continuing education program provided by an in-state approved jurisprudence provider that pertains to current or recent changes to laws, rules, and regulations relating to the practice of pharmacy; or

(3) A program presented by the state board of pharmacy that pertains to current or recent changes to laws, rules, and regulations relating to the practice of pharmacy.

(F) All C.E.U.s obtained from an approved in-state provider prior to the effective date of this rule shall be deemed valid for pharmacist continuing education requirements pursuant to division 4729:1-5 of the Administrative Code.

4729-6-02 Criteria for in-state approved providers of pharmacy jurisprudence continuing education.

In-state providers of pharmacy jurisprudence continuing education who seek approval by the state board of pharmacy must demonstrate ability and willingness to offer quality pharmacy jurisprudence continuing education in a responsible manner and shall submit evidence of this on applications developed by the board. The minimal criteria include:

(A) There shall be a responsible person charged with the administration of the continuing pharmacy education program and liaison with the board. Unless otherwise approved by the board, the responsible person shall be a pharmacist licensed to practice pharmacy in Ohio.

(B) Providers shall award pharmacy jurisprudence continuing education credit to successful participants in units consisting of C.E.U.s.

(C) Providers shall maintain a list of successful program or experience participants and the participants' Ohio license numbers for a five-year period to be made available to the board on request.

(D) Providers shall award a certificate to each successful participant containing at least the following information:

(1) The name of the provider;

(2) The completion date of the experience;

(3) The name of the participant;

(4) The title of the experience;

(5) The number of C.E.U.s the experience has been assigned;

(6) The program or experience identification number according to the numbering system designated by the board;

(7) The manual signature, including a scanned image, or the electronic signature of the responsible person listed in paragraph (A) of this rule.

(E) Ohio jurisprudence program providers shall submit, in a manner determined by the board, a provider program notice and list of successful participants and the participants' license or registration number, to the board no later than sixty days after a program is presented.

(F) Providers shall develop and employ evaluation techniques that will assess the effectiveness of the continuing pharmacy education experiences with the goal of continual improvement.

(G) Providers should utilize an evaluation mechanism to allow each participant to assess the achievement of personal objectives.

(H) All programs offered by an approved pharmacy jurisprudence provider shall be no less than one contact hour of participation (0.1 C.E.U.). Programs offered after the effective date of this rule that are less than 0.1 C.E.U. will not be accepted by the board for licensure or registration renewal.

(I) Jurisprudence continuing education programs shall also meet the following requirements:

(1) Contain accurate information on current laws, rules, and regulations;

(2) Consist of information relevant to the practice of pharmacy in Ohio;

(3) Be presented in an unbiased manner; and

(4) Shall not be utilized for more than two years from the date the program was approved by the state board of pharmacy.

(J) If an initial jurisprudence program submission is denied by the state board of pharmacy, the approved pharmacy jurisprudence continuing education provider may resubmit that program to address the problem areas outlined by the board during the review process. If the resubmitted program is not approved by the board, the provider shall not submit a program covering the same topic for a period of one year from the date of the denial.

(K)

(1) Once approved as an in-state provider of pharmacy jurisprudence continuing education, the provider shall maintain or update the provider's contact information, at a minimum, biennially, in accordance with a schedule adopted by the board. Contact information shall be updated using a form approved by the board.

(2) Providers who have not complied with paragraph (K)(1) of this rule shall no longer be deemed as an approved in-state provider of pharmacy jurisprudence continuing education. The provider shall have to resubmit an application for approval in accordance with this rule.

(L) The board of pharmacy, upon receipt of evidence that any approved provider is presenting experiences not conforming to the requirements pursuant to this rule may place a provider on probationary status or revoke such approval.

4729-6-03 Criteria for in-state approved providers of continuing pharmacy education for providing volunteer health care services.

In-state providers seeking approval by the state board of pharmacy must demonstrate ability and willingness to monitor and report volunteer services for continuing pharmacy education provided in accordance with section 4745.04 of the Revised Code in a responsible manner and shall submit evidence of this on applications developed by the board. The minimal criteria include:

(A) There shall be a program director charged with the administration of the continuing pharmacy education program and liaison with the board. The program director shall be a designated representative of the entity that provides health care services.

(B) Providers shall award continuing pharmacy education credit to successful participants in units consisting of C.E.U.s and in accordance with the requirements of section 4745.04 of the Revised Code.

(C) Providers shall maintain a list of the number and date of volunteer hours of participants' and the participants' Ohio license numbers for a five-year period to be made available to the board on request.

(D) Providers shall upload, in a manner determined by the board, the number and date of volunteered hours of participants and the participants' license or registration number to the board of pharmacy.

(E) Providers shall award a certificate to each successful participant containing at least the following information:

(1) The name of the provider;-

(2) The completion date of the experience;

(3) The name of the participant;

(4) The title of the experience;

(5) The number of C.E.U.s the experience has been assigned; and

(6) The program or experience identification number according to the numbering system designated by the board.

(F) All in-state providers shall provide, in a manner determined by the board, a provider program notice and list of successful participants and the participants' license or registration number, to the board no later than sixty days after the date of volunteer service is completed.

(G) The board of pharmacy, upon receipt of evidence that any approved provider is presenting experiences not conforming to the requirements pursuant to this rule may place a provider on probationary status or revoke such approval.

(H) All C.E.U.s shall be awarded in half hour increments at the rate of 0.5 C.E.U.s for each thirty minutes spent providing health care services as a volunteer.