



## LICENSE VERIFICATION FOR WHOLESALE DISTRIBUTORS UPDATED 11-9-2015

Review of ORC 4729.60 & OAC 4729-9-12

Your wholesale distributor of dangerous drugs (WDDD) license authorizes you to sell dangerous drugs at wholesale as long as **you ensure that the purchaser is appropriately licensed** under ORC 4729.51. The requirement that you must verify State of Ohio Board of Pharmacy licensure or exempt status pursuant to ORC 4729.60 is detailed in OAC 4729-9-12.

It is most likely that you are selling dangerous drugs or medical gases **to an Ohio business** (i.e., physician's office, nursing home, etc.) rather than making a sale directly to a licensed prescriber. Therefore, the business must be appropriately licensed. If the purchaser is a terminal distributor of dangerous drugs (TDDD), you must verify the licensure is appropriate to your sales. Refer to OAC 4729-9-12(A):

(A) Before a wholesale distributor of dangerous drugs may make a sale of a dangerous drug to a terminal distributor of dangerous drugs, the wholesale distributor must obtain a copy of the current certificate of license as a terminal distributor from the purchaser pursuant to division (A) of section [4729.60](#) of the Revised Code.

(1) The purchaser shall furnish a copy of the certificate of license as a terminal distributor to the wholesale distributor of dangerous drugs. If the certificate of license indicates a limited category I, II, or III license, the terminal distributor shall furnish the wholesale distributor a copy of the current license addendum listing those drugs the purchaser is authorized to possess.

(2) If no certificate of license as a terminal distributor is obtained or furnished before the sale, both the seller and the purchaser shall be considered to be in violation of section [4729.60](#) of the Revised Code.

Note: **The TDDD license must be one of the following:**

1. A limited category II or III license – with the specific drug listed on the drug addendum.
2. A category II or III license - in the name of the facility/business to which the sales are made. It should NOT be a contingency license for another provider (i.e., license for Pharmacy name with %Nursing Home name on second line).

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If the sale is directly to a prescriber, not the business, or to an exempt business, refer to OAC 4729-9-12(C), (E), & (F):

(C) Before a wholesale distributor of dangerous drugs may make a sale of a dangerous drug to a prescriber as defined in division (I) of section [4729.01](#) of the Revised Code, the wholesale distributor must obtain:

(1) A copy of the current certificate of license as a terminal distributor from the prescriber pursuant to division (A) of section [4729.60](#) of the Revised Code and, if the license is limited, a copy of the addendum listing the drugs the licensee is authorized to purchase and possess; or

(2) Unless the prescriber meets the terminal distributor of dangerous drugs licensing requirements in section [4729.541](#) of the Revised Code, copies of all documents required to establish that the prescriber is exempt from licensure as a terminal distributor of dangerous drugs pursuant to divisions (B)(1)(a), (B)(1)(j), and (B)(1)(k) of section [4729.51](#) of the Revised Code and is authorized by federal and state laws to purchase the dangerous drugs for use in the course of his/her professional practice. The required documents are as follows:

(a) An individual prescriber doing business as a sole proprietor (not incorporated in any manner) as set forth in division (B)(1)(a) of [4729.51](#) of the Revised Code, an individual prescriber doing business as a sole shareholder of a corporation or a limited liability company pursuant to division (B)(1)(j) of section [4729.51](#) of the Revised Code, and a dentist pursuant to division (B)(1)(k) of [4729.51](#) of the Revised Code must provide a copy of his/her current license to practice and the license must authorize the use of the drugs requested from the wholesaler in his/her practice. Also, a prescriber doing business as a sole shareholder of a corporation or a limited liability company must also provide official documentation that states he/she is the sole shareholder;

(b) The address of all sites of practice where the drugs will be delivered to and stored for use by the prescriber in his/her professional practice pursuant to federal and state laws;

(c) Verification from the licensing board that the prescriber's license is in good standing and that there are no restrictions on his/her license to practice and use drugs in his/her practice. If the license has been restricted by the licensing board, a copy of the official documents restricting the license to practice and use drugs in the course of professional practice must be furnished to the wholesaler and maintained by the wholesaler with all other documents establishing the prescriber's exemption from licensure as a terminal distributor of dangerous drugs;

(d) If an exempted prescriber wishes to purchase and possess dangerous drugs which are also controlled substances, the prescriber must submit a copy of his/her current registration with the federal drug enforcement administration and provide verification that the DEA registration and authority to use controlled substances in

the course of professional practice has not been restricted by the appropriate professional licensing board or the federal drug enforcement administration.

(E) All documents establishing the fact that a prescriber is exempt from licensure as a terminal distributor of dangerous drugs shall be current and maintained for a period of three years by the wholesale distributor of dangerous drugs.

(F) Copies of licenses to practice and verification that there are no restrictions on a prescriber's license by either the appropriate professional licensing board or the federal drug enforcement administration shall be obtained within fifteen days of the date of renewal of such licenses. No dangerous drugs may be sold and delivered to a prescriber until the required documentation has been obtained by the wholesale distributor.

**NOTE: Prescribers and business types are not exempt from licensure if they possess certain dangerous drugs. For more information, please refer to the following guidance document: [www.pharmacy.ohio.gov/prescribertddd](http://www.pharmacy.ohio.gov/prescribertddd)**