



Common Sense Initiative

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Business Impact Analysis

Agency, Board, or Commission Name: Ohio Board of Pharmacy

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Regulation/Package Title (a general description of the rules' substantive content):

ToEFL Requirements

Rule Number(s): 4729:1-2-04; 4729:3-2-05

Date of Submission for CSI Review: 3/13/2026

Public Comment Period End Date: 4/3/2026

Rule Type/Number of Rules:

New/___ rules

No Change/___ rules (FYR? ___)

Amended/ 2 rules (FYR? Y)

Rescinded/___ rules (FYR? ___)

The Common Sense Initiative is established in R.C. 107.61 to eliminate excessive and duplicative rules and regulations that stand in the way of job creation. Under the Common Sense Initiative, agencies must balance the critical objectives of regulations that have an adverse impact on business with the costs of compliance by the regulated parties. Agencies should promote transparency, responsiveness, predictability, and flexibility while developing regulations that are fair and easy to follow. Agencies should

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prioritize compliance over punishment, and to that end, should utilize plain language in the development of regulations.

Reason for Submission

- 1. R.C. 106.03 and 106.031 require agencies, when reviewing a rule, to determine whether the rule has an adverse impact on businesses as defined by R.C. 107.52. If the agency determines that it does, it must complete a business impact analysis and submit the rule for CSI review.**

Which adverse impact(s) to businesses has the agency determined the rule(s) create?

The rule(s):

- Requires a license, permit, or any other prior authorization to engage in or operate a line of business.**
- Imposes a criminal penalty, a civil penalty, or another sanction, or creates a cause of action for failure to comply with its terms.**
- Requires specific expenditures or the report of information as a condition of compliance.**
- Is likely to directly reduce the revenue or increase the expenses of the lines of business to which it will apply or applies.**

Regulatory Intent

- 2. Please briefly describe the draft regulation in plain language. Please include the key provisions of the regulation as well as any proposed amendments.**

4729:1-2-04: Provides the passing scores for the Test of English as a Foreign Language, Internet-based Test for pharmacists. Updates the passing scores to be four and a half for writing, five for speaking, five for listening, and four for reading. This reflects national changes by the National Association of Boards of Pharmacy:

<https://nabp.pharmacy/programs/foreignpharmacy/>

4729:3-2-05: Provides the passing scores for the Test of English as a Foreign Language, Internet-based Test for pharmacy technicians. Updates the passing scores to be three for writing, four for speaking, four for listening, and four for reading. Allows technician to demonstrate compliance with the rule by using the by utilizing the “MyBest Scores” section on their TOEFL iBT score report or any other method approved by the board.

3. Please list the Ohio statute(s) that authorize the agency, board or commission to adopt the rule(s) and the statute(s) that amplify that authority.

The proposed rules are authorized by sections [4729.94](#) and [4729.26](#) of the Ohio Revised Code.

4. 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? If yes, please briefly explain the source and substance of the federal requirement.

These rules do not implement a federal requirement.

5. If the regulation implements a federal requirement, but includes provisions not specifically required by the federal government, please explain the rationale for exceeding the federal requirement.

Not Applicable.

6. 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 4729.94 of the Ohio Revised Code requires the Board of Pharmacy to adopt rules governing registration of registered pharmacy technicians, certified pharmacy technicians, and pharmacy technician trainees.

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

The success of these 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.

8. Are any of the proposed rules contained in this rule package being submitted pursuant to R.C. 101.352, 101.353, 106.032, 121.93, or 121.931?

If yes, please specify the rule number(s), the specific R.C. section requiring this submission, and a detailed explanation.

No.

Development of the Regulation

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

If applicable, please include the date and medium by which the stakeholders were initially contacted.

As of January 21, 2026, ToEFL iBT score reports feature a new 1-6 scale, in half point increments. These rules are being updated to align with the revised scoring requirements. The Ohio Board of Pharmacy reviewed and approved a resolution during the March 2026 Board meeting to update these requirements in rule as well as accept tests with results that met the previous score requirements during this transition period.

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

No additional input has been provided by stakeholders. The score updates were reviewed and approved by the Board of Pharmacy.

11. 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 these rules.

12. 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? *Alternative regulations may include performance-based regulations, which define the required outcome, but do not dictate the process the regulated stakeholders must use to comply.*

As the regulations are essential to protecting the public's safety by ensuring uniform standards for the practice of pharmacy and the licensure of pharmacists and pharmacy techs, the Ohio Board of Pharmacy did not consider any regulatory alternatives.

13. 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 Ohio Board of Pharmacy regulation.

14. 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, biannual staff meetings featuring a regulatory update, mandatory all-day law reviews for new employees, email updates, webinars from the Director of Policy and Communications, and feedback from the Board’s legal department for every citation submitted.

Adverse Impact to Business

15. Provide a summary of the estimated cost of compliance with the rule(s). Specifically, please do the following:

a. Identify the scope of the impacted business community, and

- Pharmacists
- Pharmacy technicians

b. Quantify and identify the nature of all adverse impact (e.g., fees, fines, employer time for compliance, etc.).

The adverse impact can be quantified in terms of dollars, hours to comply, or other factors; and may be estimated for the entire regulated population or for a representative business. Please include the source for your information/estimated impact.

In general, violation of these rules may result in administrative licensure discipline for a pharmacist, intern, or terminal distributor of dangerous drugs. Discipline might include reprimand, suspension of a license, required coursework (intern/pharmacist), monetary fine, and/or revocation of a license.

Additionally, those pharmacists or pharmacy technicians who do not meet these updated scores will be required to retake the examination. In the US, the examination [costs a total of \\$270](#).

16. Are there any proposed changes to the rules that will reduce a regulatory burden imposed on the business community? Please identify. (*Reductions in regulatory burden may include streamlining reporting processes, simplifying rules to improve readability, eliminating requirements, reducing compliance time or fees, or other related factors*).

Not Applicable.

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

The Board believes that the regulatory intent of the proposed rules is necessary to protect the health and safety of all Ohioans by providing uniform regulations for the licensure of pharmacists and pharmacy technicians.

Regulatory Flexibility

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

The 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 regulations are uniform across Ohio.

19. 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 Ohio Board of Pharmacy does not fine licensees or impose penalties for first-time paperwork violations. However, any failure of a standard of care in the practice of pharmacy or the distribution of dangerous drugs is not considered a paperwork error but a quality assurance issue by the licensee that is necessary for the protection of the public.

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

Board of Pharmacy staff are 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. Staff are trained to educate licensees on compliance with all Board of Pharmacy rules and regulations.

Additionally, to assist our licensees, including those representing small businesses, the Board developed inspection guides. These guides align with internal guidance used by Board inspectors and allow licensees to conduct self-inspections to maintain compliance. The guides also include links to the rules, important definitions, and reminders of when a licensee is required to submit notification or additional information to the Board. The guides may be accessed by visiting: www.pharmacy.ohio.gov/inspection. The Board also has a number of resources on its licensing and continuing education websites to educate our licensees.

Rule 4729:1-2-04 | Successful completion of the Test of English as a Foreign Language, Internet-based Test.

Successful completion of the "Test of English as a Foreign Language, Internet-based test" (TOEFL iBT) shall be the following minimum scores or higher:

(A) Writing: ~~twenty-four~~ **four and a half**;

(B) Speaking: ~~twenty-six~~ **five**;

(C) Listening: ~~twenty-one~~ **five**; and

(D) Reading: ~~twenty-two~~ **four**.

Rule 4729:3-2-05 | Successful completion of the "Test of English as a Foreign Language Internet-based Test".

Successful completion of the "Test of English as a Foreign Language, Internet-based test" (TOEFL iBT) shall be the following minimum scores or higher:

- (A) Writing: **fourteen three**;
- (B) Speaking: **twenty four**;
- (C) Listening: **seventeen four**; and
- (D) Reading: **eighteen four**.

An applicant may demonstrate successful completion by utilizing the "MyBest Scores" section on their TOEFL iBT score report or any other method approved by the board.