

Rules for Stakeholder Comment - Impaired Licensees, Registrants, and Probation

Date Issued: 9/30/2025

Comments Due: 10/27/2025

In accordance with Chapter 119. of the Revised Code, the Ohio Board of Pharmacy proposes the adoption of the following rules:

Rule Number	Rule Title	Type of Change
4729:4-1-01	Definitions - impaired licensees, registrants, and probation.	Amend
4729:4-1-02	Applicability.	Amend
4729:4-1-04	Monitoring Contracts.	Amend
4729:4-1-05	Probation.	Amend
4729:4-1-07	Summary suspension of a licensee or registrant.	Amend
4729:4-1-09	Terms while under suspension.	Amend

Comments on the proposed rules will be accepted until close of business on **Monday, October 27, 2025.**

Please send all comments to the following email address:
RuleComments@pharmacy.ohio.gov.

Rule 4729:4-1-01 | Definitions - impaired licensees, registrants, and probation. (AMEND)

As used in division 4729:4 of the Administrative Code:

(A) "Aftercare" is a counselor-facilitated group meeting which directly responds to problems relating to the ongoing treatment and monitoring of the licensee or registrant's sobriety and should extend for a minimum of twelve months.

(B) "Approved monitoring program" means a board approved and designated monitor pursuant to section [4729.18](#) of the Revised Code and rule [4729:4-1-06](#) of the Administrative Code.

(C) "Approved treatment provider" means a designated treatment program pursuant to section [4729.18](#) of the Revised Code and rule [4729:4-1-03](#) of the Administrative Code.

(D) "Business day" means any day other than Saturday, Sunday or a holiday recognized by the state of Ohio on which the offices of the board of pharmacy are not open for business.

(E) "Designated person" for an approved treatment provider or approved monitoring program is an individual who shall be in full and actual charge of the treatment or monitoring program including, but not limited to, the following:

- (1) Ensuring the provider has the necessary facilities and personnel to provide services;
- (2) Maintaining records; and
- (3) Notification of the board when required.

(F) "Hemp products" has the same meaning as defined in section [924.212](#) of the Revised Code.

(G) "Impaired licensee or registrant" means a licensee or registrant who, because of the person's mental illness, habitual or excessive use or abuse of drugs or alcohol, use of psychoactive substances, or use of other substances that impair the ability to practice, is rendered unable to practice pharmacy or conduct authorized activities within a pharmacy with requisite judgment, skill, competence, or safety to the public.

(H) "Individualized treatment plan" is a document which shall provide for inpatient treatment, outpatient treatment, family therapy, psychotherapy, professional support groups, twelve-step programs, aftercare including support and self-help groups, monitoring programs consisting of random, [chain-of-evidence](#) drug screens, and work site review. Such services and other services may be determined by an approved treatment provider or an approved monitoring program.

(I) "Inpatient treatment" shall consist of placing the licensee or registrant in an approved treatment provider facility that will provide lodging and food, as well as care and treatment for detoxification and rehabilitation as indicated by the treatment contract.

(J) "Intervenor" means a person who is employed by or affiliated with an approved treatment provider or an approved monitoring program and participates in a process whereby a licensee or registrant alleged to be impaired is confronted to evaluate the presence of impairment and, if indicated, who refers the licensee or registrant for assessment and treatment of the impairment.

(K) "Outpatient treatment" shall consist of the licensee or registrant not residing in an inpatient treatment facility but who is participating in aftercare, twelve-step programs, professional support group (if available), and monitoring programs consisting of random;
~~chain of evidence~~ drug screens and work site review, to establish compliance.

(L) "Professional support group" is a group of peers meeting to discuss the problems specific to recovery and re-entry to practice of the licensee or registrant.

(M) "Referral for assessment" means a process whereby an intervenor or designated person who has reason to believe that a licensee or registrant is impaired directs that individual to be examined for diagnosis and treatment.

(N) "Relapse" means any use of, or obtaining for the purpose of using, drugs, alcohol, psychoactive substances, or any use of other substances that impair the ability to practice; it also includes a positive drug screen or a return to a pattern of impairment activities which affects the licensee or registrant's ability to practice. Relapse also refers to a mental health or mental illness episode that impacts or impairs the ability to practice pharmacy or conduct authorized activities within a pharmacy with the requisite judgment, skill or competence to ensure the safety of the public.

(O) "Substance abuse/chemical dependency" means a substance use disorder as defined by the "Diagnostic and Statistical Manual of Mental Disorders" (DSM-5) or any official supplement thereto (10/1/2018).

(P) "Treatment assessor" means any of the following:

(1) An individual who is licensed under Chapter 4731. of the Revised Code as a doctor of medicine or a doctor of osteopathic medicine and surgery and who is a certified addiction specialist; or

(2) An individual who is licensed by the Ohio chemical dependency professionals board as a licensed independent chemical dependency counselor, licensed chemical dependency

counselor 3 or 2 pursuant to Chapter 4758. of the Administrative Code and, who by training and experience, can make an assessment of a licensee or registrant's impairment.

(3) An individual who holds a license or certification approved by the board or the board's probation committee and, who by training and experience, can make an assessment of a licensee or registrant's impairment.

(Q) "Treatment contract" means a document which outlines the individualized treatment plan, the requirement to cease practice, the requirement for compliance by the impaired licensee or registrant, and the requirement for notification of the board for non-compliance or relapse pursuant to section [4729.18](#) of the Revised Code.

(R) "Twelve-step program" means a self-help program such as alcoholics anonymous or narcotics anonymous or a related organization that addresses substance use disorders and promotes sobriety and recovery through peer group support, self-help, and anonymity, and which is based on an abstinence model of recovery. An impaired licensee or registrant shall be required to personally attend face-to-face twelve-step programs not less than three documented meetings each week, on separate days. Meetings that occur online, telephonically, or via other electronic means shall not be counted towards the minimum requirement.

Rule 4729:4-1-02 | Applicability. (AMEND)

(A) No person, except an approved treatment provider, shall purport to be or operate as a treatment facility for the purpose of administering care in the detoxification and rehabilitation of an impaired licensee or registrant.

(B) The rules in this division of the Administrative Code are applicable to all licensed pharmacists, pharmacy interns, and any other board licensees or registrants, including pharmacy technician trainees, registered pharmacy technicians, and certified pharmacy technicians.

(C) Should the board have reason to believe that a pharmacist, pharmacy intern or other licensee or registrant suffers from impairment because of conduct or behavior committed or displayed by the individual, the board may compel the individual to be examined by an approved treatment provider. If the licensee or registrant fails to submit to an assessment as ordered by the board, or if the assessment discloses impairment, or if there is an admission of impairment, or if the board has other reliable, substantial, and probative evidence demonstrating impairment, the board may:

- (1) Refer the licensee or registrant for treatment;
- (2) Initiate action against the licensee or registrant pursuant to Chapters 119., 3719. and 4729. of the Revised Code; or
- (3) Summarily suspend the license or registration of an individual pursuant to rule [4729:4-1-07](#) of the Administrative Code if the licensee or registrant's continued practice poses a danger of immediate and serious harm to others.

(D) Before being eligible to apply for reinstatement of a license or registration suspended because of impairment, the licensee or registrant must demonstrate to the board that the licensee or registrant possesses the requisite judgment, skill, and competence to ensure public safety. Such demonstration shall include, but not be limited ~~to~~, ~~to~~ the following:

- (1) Certification from an approved treatment provider and/or approved monitoring program that the licensee or registrant:
 - (a) Has signed an approved treatment and/or approved monitoring contract and is participating in and complying with an individualized treatment plan or contract;
 - (b) Has successfully completed any required inpatient treatment;
 - (c) Is actively participating in or has successfully completed an outpatient treatment program;

(d) Has demonstrated the licensee or registrant has continued to be alcohol and, drug, and psychoactive drug free, as well as free from mind-altering, mood-changing substances, by random, chain-of-evidence drug screens for a period of time as determined by the board at the time of the suspension;

(e) Has been evaluated by an approved treatment provider who has made a clear determination, documented in a written statement, that the licensee or registrant is eligible to return to practice.

(2) Certification that the licensee or registrant has met all requirements of the board order and satisfactory evidence has been submitted to the board, including, but not limited, to the following:

(a) A copy of the signed and agreed to treatment and/or monitoring contract;

(b) Written reports and documentation from the approved treatment program and monitoring program;

(c) Written reports, on a form designated by the board, from the licensee or registrant describing recovery progress.

Rule 4729:4-1-04 | Monitoring contracts. (AMEND)

(A) Within one week of completing treatment, in the absence of extenuating circumstances, the licensee or registrant shall enter into a monitoring contract with an approved monitoring program regardless of whether the licensee or registrant is under a period of suspension or probation.

(B) The monitoring program contract shall include all of the following requirements, unless otherwise approved by the board or its probation committee:

(1) Group therapy, support groups, or, when appropriate, individual counseling, or a combination thereof.

(2) Periodic, random, unannounced blood and/or urine screens at a frequency of at least monthly and sixteen times per year for the length of the contract, unless otherwise approved by the board or the board's probation committee and to provide additional random, ~~observed~~ urine and/or blood samples as may be requested by the intervenor or designated person.

(a) The urine sample must be given within twelve hours of notification or as determined by the monitoring program.

(b) The dilution standard will be creatinine clearance and/or specific gravity.

(c) Results of all drug screens must be negative and the refusal of a drug screen or a diluted drug screen is equivalent to a positive result. Any positive results, including those which may have resulted from ingestion of food but excluding false positives which resulted from ~~medication legitimately prescribed~~ legitimate prescribed medication, indicates a violation of the contract and shall be reported to the board or the board's probation committee.

(d) In the event of a negative diluted screen, a hair sample test must be completed at the cost of the probationer in a time frame consistent with the drug laboratory's recommended policy, but in any event no later than twelve days after the negative diluted screen.

(3) Mandatory participation in alcoholics anonymous, narcotics anonymous, or a similar twelve-step program, or its equivalent, as set forth in rule 4729:4-1-01 of the Administrative Code.

(a) To obtain the signatures of either the secretary or chairperson of the meeting for attendance verification or, in the absence of both, a meeting representative.

(b) To be responsible for keeping a personal record of names and phone numbers of the persons signing attendance verification at meetings.

(c) To record meeting attendance dates in a chronological order and collect the attendance verification signatures at the meeting.

(d) To attend another meeting that same week in order to meet the quota of meetings for the week if attendance verification is not obtained.

(e) To obtain a sponsor and home group in a twelve-step program, or its equivalent, as [set forth](#)~~defined~~ in rule [4729:4-1-01](#) of the Administrative Code, that is not a representative of the monitoring program by a date specified by the approved monitor.

(4) Abstinence from use of alcohol and from use of drugs, except those prescribed, administered or personally furnished by a licensed prescriber who has knowledge of the patient's history and of the disease of addiction, or those administered by another person so authorized by law during a medical emergency.

(a) To notify the intervenor or designated person in advance and provide documentation of the need for any medication (to include a copy of the prescription or note from the prescriber) within ~~forty-~~eight hours of receipt of treatment, if any mood altering and/or potentially addictive medications are required or recommended by the prescriber.

(b) To renew verification with the intervenor or designated person every ninety days if the need for medication is ongoing.

(c) To update medication list with the intervenor or designated person any time a new prescription or over-the-counter medication is added.

(d) To abstain from dispensing own prescriptions.

(e) To avoid exposure to anything that may cause drug screen tests to be positive, including "hemp oil," "hemp products," "coca tea," and poppy seeds.

(f) To abstain from using ethyl alcohol in any form including, but not limited to, the following:

(i) Alcohol free wine or beer;

(ii) Over-the-counter drugs containing alcohol, cough syrups or their similar drugs or supplements;

(iii) Mouthwash or other hygiene products containing ethanol, including sanitizing hand or body gels;

(iv) Foods or beverages containing alcohol; and

(v) Any other form of ethyl alcohol.

(5) Acknowledgment of the relinquishment of the right to self-medicate other than use of single entity over-the-counter non-steroidal anti-inflammatories or acetaminophen.

(6) Regular contact with a licensed chemical dependency counselor, or with a physician qualified by training or experience, or both, to treat chemically dependent persons, who assumes responsibility for monitoring defined aspects of aftercare contract compliance, and who agrees to:

(a) Report any noncompliance to the approved monitoring program; and

(b) Report any relapse to the approved monitoring program and the board.

(7) A length of contract specified with a minimum of at least five years and at least fifty-two weekly aftercare sessions, with missed sessions to be made up.

(8) Professional therapy, where indicated, to resolve family and work-related issues.

(9) Treatment of any ongoing medical problems to be managed by a licensed prescriber. Treatment of any conditions requiring the use of a mind-altering, mood-changing substance shall require consultation with a physician qualified by training or experience, or both, to provide medical care to chemically dependent persons.

(a) Agreement to identify a single primary care physician and utilize that physician (or physician to whom referred) exclusively for all medical care for the duration of the contract.

(b) Agreement for identified physician to share with approved monitor information on any drugs prescribed or, if over-the-counter drugs, approved, and the information pertinent to recovery and/or compliance with the contract.

(c) Intervenor or designated person approved surgery packet prior to any non-emergency medical procedures.

(10) Referral to other forms of extended care, when indicated.

(11) Any required supervision or restrictions of practice during aftercare.

(12) Personal contact with the assigned intervenor once a week, leaving a message shall not meet the personal contact requirement.

(13) An agreement to attend the pharmacist peer assistance group meetings each month for the duration of the contract, unless otherwise excused by the designated person or the designated person's designee.

(14) A restriction on the hours able to be worked in a facility licensed by the board to no more than forty hours in one week and/or no more than eighty hours in a two-week timeframe.

Rule 4729:4-1-05 | Probation. (AMEND)

(A) Probation will be reviewed by members of the board's probation committee and board staff. When a licensee or registrant is placed on probation, the board shall require, at a minimum, the following probationary and limiting terms, unless otherwise determined by the board or its probation committee:

(1) Compliance with all federal, state, and local laws, and all rules governing practice in Ohio.

(2) Compliance with the employment requirements in rule [4729:5-3-10](#) of the Administrative Code.

(3) Submission of quarterly declarations on a form approved by the board or the board's probation committee stating, under penalty of perjury, whether there has been compliance with all conditions of probation and, if applicable, treatment.

(4) Periodic appearances before the board or its representatives as requested.

(5) A minimum five-year contract with an approved monitoring provider.

(6) Compliance with all terms of the approved monitoring contract, which shall include all terms set forth in rule [4729:4-1-04](#) of the Administrative Code.

(7) Prior approval of the board or the board's probation committee of departures or absences in excess of ten days from the state or for any intended travel out of the country. Periods of departure or absence shall not change the probationary term, unless otherwise determined by motion of the board or the board's probation committee. For absences of three months or longer, the board or its probation committee may toll the length of probation, other than in instances where the board or its probation committee can be assured that probationary monitoring is otherwise being performed.

~~(8) Inability to engage in a consult agreement.~~

(98) As designated in the board's order, submission of ~~observed~~ urine, blood, [nail](#), or hair samples upon request of the approved monitoring program or board, and without prior notice, at the cost of the licensee or registrant.

~~(109)~~ Compliance with any employer provided drug or alcohol screens.

~~(1110)~~ When deemed appropriate by the board or the board's probation committee, undertaking psychiatric evaluation, and, where appropriate, continuing treatment acceptable to the board, with evidence of compliance to be provided in each quarterly report.

(~~12~~¹¹) Copies of the board order or settlement agreement to be provided by the individual to all of the following during the effective period of the board order or settlement agreement:

(a) All employers or prospective employers;

(b) All persons and entities that provide the individual chemical dependency treatment or monitoring; and

(c) By certified [or electronic](#) mail, the proper licensing authority of any state or jurisdiction in which the individual holds or applies for any professional license, excluding the state of Ohio board of pharmacy.

(~~13~~¹²) Continuing compliance with the terms of the monitoring contract entered into with the treatment provider and approved monitoring provider, provided, that where terms of the monitoring contract conflict with the terms of the settlement agreement or board order, the terms of the settlement agreement or board order shall control.

(~~14~~¹³) Continuing authorization, through appropriate written consent forms, for disclosure by the treatment provider and/or approved monitor to the board, to treating and monitoring physicians, and to others involved in the monitoring process, of information necessary for those individuals to fulfill their respective duties and obligations.

(~~15~~¹⁴) Minimum probationary term of at least five years.

(~~16~~¹⁵) No requests by the probationer for modifications to probationary terms for at least three years, however, limited, isolated deviations from the probationary terms may be granted with the approval by the board or its probation committee in exceptional circumstances.

(~~17~~¹⁶) Self-reporting of any violation of one or more terms of probation.

(~~18~~¹⁷) A determination of not in good standing and an inability to serve as a preceptor, responsible person, or designated representative.

(~~19~~¹⁸) Maintain a current address with the board.

(B) Periods during which the probationer is not in compliance with all probationary terms shall toll the length of time of probation during which the probationer was out of compliance. The board shall issue a resolution setting forth the minimum length of time each violation will toll the probationary term. The resolution shall be updated as necessary and available on the board's web site, www.pharmacy.ohio.gov. The board may implement additional disciplinary action in addition to or instead of tolling probation.

(C) Violation of any term of probation may result in additional action before the board up to and including revocation of the registrant or licensee's pharmacy board issued license or registration.

(1) Upon review of the probation committee at the conclusion of the probationary term, the board may return the licensee or registrant to an active license without probationary status.

(2) At the conclusion of the probationary term if the licensee or registrant has violated any of the terms of probation or other terms of the board order, the probation committee will review for a determination of further action against the license or registration.

(D) In the event the probation is unrelated to impairment as defined in rule [4729:4-1-01](#) of the Administrative Code, the board may impose any other probationary conditions as it warrants applicable to the individual facts pertaining to discipline.

Rule 4729:4-1-07 | Summary suspension of a licensee or registrant. (AMEND)

(A) An impaired licensee or registrant may be summarily suspended without a prior hearing pursuant to section [3719.121](#) of the Revised Code if, in the opinion of the board, the impaired licensee or registrant poses a danger of immediate and serious harm to others by:

- (1) Refusing to seek evaluation, treatment, and rehabilitation for a substance abuse/chemical dependency related impairment;
- (2) Not signing and/or complying with the treatment and/or monitoring contract from an approved treatment provider or monitoring program;
- (3) Resuming practice before the approved treatment provider or monitoring program has made an assessment and recommends that the licensee or registrant is capable of practicing;
- (4) A relapse, as defined in rule [4729:4-1-01](#) of the Administrative Code, of substance abuse/chemical dependency at any time.

(B) An impaired licensee or registrant may be summarily suspended without a prior hearing pursuant to section [3719.121](#) of the Revised Code if ~~a~~ the licensee or registrant is guilty of a felony drug abuse offense as defined in section [2925.01](#) of the Revised Code.

Rule 4729:4-1-09 | Terms while under suspension. (AMEND)

(A) When a licensee or registrant is placed on an indefinite or other term of suspension, the board may require, at a minimum, the following terms in its suspension order, unless otherwise determined by the board or its probation committee:

- (1) Compliance with all federal, state, and local laws, rules, and regulations.
- (2) Submission of quarterly declarations on a form approved by the board or the board's probation committee stating, under penalty of perjury, whether there has been compliance with all conditions of suspension and, if applicable, treatment.
- (3) Periodic appearances before the board, the board's probation committee, or its representatives as requested.
- (4) A minimum five-year contract with an approved monitoring provider.
- (5) Compliance with all terms of the approved monitoring contract, which shall include all terms set forth in rule [4729:4-1-04](#) of the Administrative Code.
- (6) ~~Prior approval~~[Notification](#) of the board or the board's probation committee of departures or absences in excess of ten days from the state or for any intended travel out of the country. Periods of departure or absence shall not change the probationary term, unless otherwise determined by motion of the board or the board's probation committee. For absences of three months or longer, the board or its probation committee may toll the length of suspension, other than in instances where the board or its probation committee can be assured that monitoring is otherwise being performed.
- (7) As designated in the board's order, submission of ~~observed~~ urine, blood, [nail](#), or hair samples upon request of the approved monitoring program or board, and without prior notice, at the cost of the licensee or registrant.
- (8) Compliance with any employer provided drug or alcohol screens.
- (9) When deemed appropriate by the board or the board's probation committee, undertaking psychiatric evaluation, and, where appropriate, continuing treatment acceptable to the board, with evidence of compliance to be provided in each quarterly report.
- (10) Copies of the board order or settlement agreement must be provided by the individual to all of the following during the effective period of the board order or settlement agreement:
 - (a) All employers or prospective employers;

(b) All persons and entities that provide the individual chemical dependency treatment or monitoring;

(c) Law enforcement and court personnel if the suspended licensee or registrant has court involvement related to suspension such as drug court, intervention in lieu of treatment, or diversion program; and

(d) By certified [or electronic](#) mail, the proper licensing authority of any state or jurisdiction in which the individual holds or applies for any professional license, excluding the state of Ohio board of pharmacy.

(11) Continuing compliance with the terms of the monitoring contract entered into with the treatment provider and approved monitoring provider, provided, that where terms of the monitoring contract conflict with the terms of the settlement agreement or board order, the terms of the settlement agreement or board order shall control.

(12) Continuing authorization, through appropriate written consent forms, for disclosure by the treatment provider and/or approved monitor to the board, to treating and monitoring physicians, and to others involved in the monitoring process, of information necessary for those individuals to fulfill their respective duties and obligations.

(13) Self-reporting of any violation of one or more terms of suspension.

(14) Maintain a current address with the board.

(B) Periods during which the suspended licensee or registrant is not in compliance with all terms of suspension shall toll the length of time of suspension during which the suspended licensee or registrant was out of compliance. The board shall issue a resolution setting forth the minimum length of time each violation will toll the suspension term. The resolution shall be updated as necessary and available on the board's web site, www.pharmacy.ohio.gov. The board may implement additional disciplinary action in addition to or instead of tolling suspension.

(C) Violation of any term of suspension may result in additional action before the board up to and including revocation of the registrant or licensee's pharmacy board issued license or registration.

(D) In the event the suspension is unrelated to impairment as defined in rule [4729:4-1-01](#) of the Administrative Code, the board may impose any other suspension conditions as it warrants applicable to the individual facts pertaining to discipline.