



## **PHARMACY TECHNICIAN RENEWAL APPLICATION** **LEGAL AND DISCIPLINARY ACTION QUESTIONS**

The required legal & disciplinary questions on the registered or certified pharmacy technician renewal application provides the opportunity for the Board to review the facts and circumstances related to a particular case to determine its potential connection, if any, to the renewal of a pharmacy technician registration. The purpose of such questions is to act as a safeguard against the diversion of dangerous drugs and protection of confidential patient information by requiring disclosure of information necessary to protect the health and safety of the public.

The following guidance provides information about the renewal application legal and disciplinary questions. A full list of the questions is included at the end of this guidance document.

**Q1:** How can the Board expect an individual to disclose an expunged or sealed felony or misdemeanor drug offense?

**A1:** Section 2953.33(B) of the Ohio Revised Code permits inquiry into sealed convictions if the question bears a direct and substantial relationship to the position for which the person is being considered. This code section applies to applications for employment, license, or other right or privilege.

**Q2:** Do all traffic violations, including minor violations, need to be disclosed?

**A2:** No, parking violations, speeding tickets and violations such as failure to obey a red light, failure to use a turn signal or expired registration do not need to be disclosed. Traffic offenses such as OVI (also referred to as OMVI, DUI or DWI [driving/operating a motor vehicle under the influence]), failure to stop after an accident (also referred to as "hit skip"), operation of a vehicle in willful or wanton disregard of the safety of persons or property (also referred to as "reckless operation"), having physical control of a vehicle while under the influence and driving under suspension – even if the charge was ultimately reduced or plead to a different offense other than the original charge – are required to be disclosed.

**Q3:** What documentation is an individual required to submit if they answer "yes" to any of the legal or disciplinary questions?

**A3:** The required documentation is detailed below:

- For criminal charges and/or convictions, submit the full copy of the citation, charging instrument, and, if a conviction, the final judgment entry for each occurrence. If the registrant does not possess the documents, they will need to contact the [clerk of courts](#) in the county that processed the charges to obtain the required materials.



- For disciplinary actions, submit the full copy of the Notice of Opportunity for Hearing and final board action or settlement agreement. If the registrant does not possess the documents, they will need to contact the appropriate board or agency to obtain the required materials.

**Q4:** What does the Board consider to be a disciplinary action by any state or federal agency or other jurisdiction?

**A4:** The Board considers a disciplinary action to include any of the following regardless of whether the action occurred by formal proceeding, consent, settlement, or other agreement:

1. An action to revoke, suspend, restrict, limit, or refuse to grant or renew a license, registration, or certification;
2. A summary or emergency suspension of a license, registration or certification, of any length, and any subsequent revision to the action;
3. An administrative fine or money penalty, taken as a result of a formal proceeding, to include any fine or money penalty connected to the delivery of health care services or taken in conjunction with other adverse licensure, registration or certification actions, such as revocation, suspension, censure, reprimand, or probation;
4. An action to reprimand or place the license, registration, or certification holder on probation;
5. The issuance of a corrective action plan only if such issuance is in conjunction with other adverse licensure, registration or certification actions, such as revocation, suspension, reprimand, probation, or surrender;
6. The withdrawal of a renewal application for licensure, registration or certification while under investigation;
7. The non-renewal of a license, registration or certification while under investigation or to avoid an investigation;
8. The surrender of a license, registration or certification in lieu of a formal sanction against a person's license, registration, or certificate;
9. In lieu of an adverse licensure, registration or certification action, a licensing agency issues a consent order in which a person agrees not to re-apply for a license, registration, or certification in the future;
10. An enforceable agreement not to practice or to be placed into inactive or other equivalent status while under investigation or in exchange for not conducting an investigation.

### **List of Legal and Disciplinary Questions**

1. In the last 3 years, have you been arrested for, or convicted of, a felony or misdemeanor drug offense under state or federal law? This includes a court granting intervention in lieu of treatment (also known as treatment in lieu of conviction, ILC or TLC), or other diversion programs. Felony or misdemeanor drug offenses must be reported regardless of whether the case has been sealed, reduced or dismissed or the equivalent thereof.

Note: Minor misdemeanor drug convictions are not required to be reported. ORC 2925.11(D). Pursuant to Section 2953.33(B) of the Ohio Revised Code, you must answer in the affirmative if you have a record of a charge or conviction that has subsequently been sealed.

2. In the last 3 years, do you have any other record of arrest (not related to drug charges), charges, or have a conviction of a felony, misdemeanor or traffic violation (even if dismissed or sealed or the equivalent thereof in another jurisdiction)?

Pursuant to Section 2953.33(B) of the Ohio Revised Code, you must answer in the affirmative if you have a record of a charge or conviction that has subsequently been sealed.

3. In the last 3 years, have you been the subject of disciplinary action as defined in 4729:3-1-01(K) of the Ohio Administrative Code by any state or federal agency or other jurisdiction; even if subsequently dismissed or resolved without formal discipline?