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# Topics in Ohio Pharmacy Law

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Release Date: 01/05/2011      Expiration Date: 01/05/2013

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This program is approved by the Ohio Board of Pharmacy for Jurisprudence Credit.  
*The cost for this program is \$20.00.*

## Learning Objectives

- 1) Discuss the requirements of a pharmacist regarding continuing education
- 2) Discuss recordkeeping and reporting of continuing education
- 3) Discuss the requirements for receiving a faxed prescription for a schedule II controlled substance
- 4) Discuss the requirements for partially refilling a schedule II controlled substance
- 5) Discuss other important issues related to the practice of pharmacy in Ohio

## Continuing Education Requirements for Pharmacists (OAC 4729-7-01 to OAC 4729-7-09)

Continuing pharmacy education is essential to the practice of pharmacy. It helps to ensure that pharmacists are life-long learners and continue to keep up with the practice of pharmacy. The Ohio State Board of Pharmacy takes continuing pharmacy education (CPE) requirements very seriously and will deny license renewal if the requirements are not met. The requirements for continuing pharmacy education in Ohio have changed slightly over the last several years, but many of the laws have remained the same. If you remember back several years ago, pharmacists were only required to complete 45 hours of continuing education every three years. This changed some time ago. Pharmacists must complete 60 hours or 6.0 C.E.U.s of CPE every three years. Each 0.1 C.E.U., or Continuing Education Unit, is equal to one hour of continuing pharmacy education. Therefore, if a program is 0.3 C.E.U.s, the pharmacist will receive 3 hours of continuing education credit. The 60 hours of CPE do not have to be completed at a rate of 20 hours per year. A pharmacist may choose to complete all 60 hours in one year of the three-year period. Years ago when the number of hours were increased from 45 to 60, the Board of Pharmacy mandated that at least 45 hours had to be on topics focusing on patient care (programs with numbers that end "01" or "02"). This is no longer the case. Pharmacists can complete their 60 hours of CPE in any topic area as long as 3 hours are Board of Pharmacy Approved Jurisprudence. In fact, more than 3 hours of pharmacy law can be completed if the pharmacist desires to do so. Law programs end with the numbers "03". For example, this program number is 036-367-11-001-H03. However, pharmacists should be careful with pharmacy law programs in national pharmacy journals or from out of state providers that are marketed as pharmacy law or jurisprudence programs. Each pharmacy law program must be submitted to the Ohio State Board of Pharmacy and approved prior to distribution or presentation to qualify for credit in Ohio. If you are not sure if a specific program has been approved by the Ohio State Board of Pharmacy, call the office at (614) 466-4143, provide them with the program number and the staff can tell you if it has been approved for pharmacy jurisprudence credit in Ohio. You can also check the Board's website to see if a pharmacy law program is Board approved. Go to [www.pharmacy.ohio.gov](http://www.pharmacy.ohio.gov), click on "C.E. News and S.B.N.", and scroll down to find the PDF file of "Board of Pharmacy Approved Jurisprudence Programs". This list is updated periodically, so it may take some time for a new program to be added. If you are not sure if a program is approved, just call the Board's office.

A big change regarding continuing education in Ohio occurred in 2004. The date to report CPE was changed to May 15<sup>th</sup>. If a pharmacist is required to report his/her continuing education in any given year,

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he/she must do so by May 15<sup>th</sup>. The Board of Pharmacy will not issue a pharmacist's renewal application until the Board receives his/her CPE Report Form. This form is now completed as part of an online process. Pharmacists will receive a letter from the Board explaining this online process. It is similar to the process of renewing your pharmacy license. Letters are sent to every pharmacist required to report their CE sometime in March or early April. Pharmacists are not required to send original certifications of participation at this time. If a pharmacist is audited, then the original certificates will be requested. Pharmacists are required to keep their original certificates for a period of one year following the year in which evidence was required. This will be changing to three years very shortly, so plan on keeping all certificates for three years after your reporting date. Future reporting dates for pharmacists are as follows. Be sure to refer to the first three digits of your pharmacy license: 03-2 reports in 2011; 03-3 reports in 2012; and 03-1 reports in 2013. It is important to note that extra CE credits cannot be carried over to the next period, except in one circumstance. Any CE completed on or after March 1<sup>st</sup> in the year a pharmacist reports can be carried over to the next reporting period. Continuing education credits can only be counted for one reporting period. Any extra CE carried over to the next cycle can only be used for one reporting period. For example: A pharmacist reports their CE to the Board in 2011. The pharmacist does 3 hours of CE in April 2011. He/she can carry these 3 hours over to the next reporting cycle (May 15<sup>th</sup> 2011 to May 15<sup>th</sup> 2014) if they desire. Also, some states have a requirement that a certain number of hours must be from "live" programs. Ohio does not have a "live" CE requirement. A pharmacist could obtain all 60 hours from live programs, all 60 hours from correspondence programs, or any combination of the two.

Finally, Ohio has an alternative to CPE for qualifying individuals. A pharmacist may satisfy the CPE requirements by providing evidence at the time of renewal that he/she has met the requirements of and is currently certified by a board approved pharmacy practice specific specialty certification program. These programs include Board of Pharmaceutical Specialties (BPS) in Nuclear Pharmacy, Nutrition Support Pharmacy, Oncology Pharmacy, Pharmacotherapy Pharmacy, Psychiatric Pharmacy, and Certified Specialist in Poison Information or Commission for Certification in Geriatric Pharmacy. At a minimum, such pharmacy practice specific specialty certification programs shall consist of: 1) periodic re-certification examinations, 2) documentation by the certification program that the pharmacist is currently certified by the program, and 3) other requirements as determined by the Board. NOTE: Even though these programs exempt the pharmacist from CPE, each pharmacist is still required to complete 3 hours of Board approved pharmacy jurisprudence for each reporting period. In conclusion, please take completing your CPE very seriously because the Board of Pharmacy does. Pharmacists who are not in compliance with the CPE requirements face fines and/or disciplinary action from the Board. Don't take chances with your license! Complete you CPE as required by the deadline of May 15<sup>th</sup> in the year you report.

### **Requirements for Faxing a Schedule II Prescription (21 CFR 1306.11)**

In general, pharmacists can receive prescriptions via a facsimile (fax) machine for all prescription drugs except schedule II controlled substances. However, there are three exceptions when pharmacies can receive a faxed prescription for a schedule II controlled substance.

1) A pharmacy can receive a faxed schedule II prescription for a narcotic substance for any patient in hospice care. The prescriber must note on the prescription that it is for a hospice patient. 2) A pharmacy can receive a faxed schedule II prescription for patients in long-term care facilities or nursing homes. This does not include assisted living facilities. 3) A pharmacy can receive a faxed schedule II prescription for a narcotic substance for any patient undergoing home infusion/intravenous (IV) pain therapy.

In all three of the above circumstances, the faxed prescription is considered to be the original prescription and should be processed and filed accordingly. The prescriber does not have to send the original prescription to the pharmacy. In other instances (other than the three discussed above), a physician may want to fax a schedule II controlled substance prescription to the pharmacy so the pharmacist can "have it ready" when the patient arrives. It is important to know that the pharmacist cannot dispense the

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medication until the patient brings the original, hard copy prescription from the physician, and the pharmacist should verify it against the faxed copy. The hard copy, written prescription is considered the “original prescription” and should be filed accordingly. It must also be noted that under Ohio law, any faxed prescription must contain identification of the origin of the fax and full name of the agent of the physician transmitting the fax (OAC 4729-5-21). Many times it is tempting to “cut-off” this extra information at the top of a large piece of paper generated by the fax machine. Some pharmacists do this in order to make prescription fit conveniently in the prescription files. This should not be done. Pharmacists must keep this important information with the original “faxed” prescription when filed accordingly. This information must remain with the prescription.

#### **Requirements for Partially Dispensing Schedule II Controlled Substances (OAC 4729-5-26)**

A caregiver for a terminally ill patient comes into your pharmacy. The patient received a prescription from his doctor for Percocet 5/325<sup>®</sup>, #120, one tablet 6 hours. The caregiver tells the pharmacist that the patient has taken a turn for the worse and may only live 72 hours. The caregiver wants to know, “Do I have to get the entire 120 tablets filled?” The answer in this specific case is “No”. There are two situations in which pharmacists can partially dispense a schedule II controlled substance: 1) for terminally ill patients and 2) for patients in a long-term care facility. This does not include assisted living facilities. In the above situation, the pharmacist could dispense twelve Percocet 5/325<sup>®</sup> tablets and the patient would have 108 tablets remaining to be dispensed. However, if a pharmacist is going to partially dispense a schedule II prescription to either a terminally ill or hospice patient, there are some regulations he/she must follow.

Before partially dispensing a schedule II controlled substance, the pharmacist must confirm that the patient is either terminally ill or resides in a long-term care facility. This must be written on the prescription. The partial dispensing can only occur at the pharmacy where the original prescription is on file. In pharmacies that utilize a shared database, partial dispensing can only occur at the specific location where the original prescription was first filled. Also, the total quantity dispensed through all partial fills cannot exceed the total quantity on the written prescription. Partial dispensing of the prescription can occur for 60 days from the date the prescription was written, not the date of the first partial dispensing. The “60-day time-clock” starts with the date on the prescription. Any quantity “left-over” after 60 days cannot be partially dispensed. At the time of each partial dispensing, the following information must be recorded on the back of the original prescription:

- a) date dispensed
- b) quantity dispensed
- c) remaining quantity
- d) The “new” prescription number of each partial dispensing if it is different from the original prescription number.
- e) Written initials of the dispensing pharmacist

If the computer system does not permit “refilling” of a schedule II controlled substance, a new prescription number for the partial dispensing must be assigned. In the computer database, a notation must be included that identifies this new prescription number as a partial dispensing. A prescription bearing the new prescription number must be placed in the schedule II file. The prescription for each partial filling must also show the prescription number for the original.

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### Other Pharmacy Practice Issues

1) When pharmacists or interns change their address or place of employment, do they have to notify the Ohio State Board of Pharmacy? The answer to both of these questions is “Yes”. If a pharmacist or intern changes his address, he must notify the Ohio State Board of Pharmacy within 30 days of the effective date of the change. If a pharmacist or intern changes her place of employment, she must notify the Ohio State Board of Pharmacy of her new principal place of employment, including pharmacy placement services, within thirty days of the change. (OAC 4729-5-06)

2) If an outpatient prescription container is too small to bear a complete label, what should the pharmacist do? This scenario occurs in practice all the time, especially with tiny bottles of eye drops, small tubes of ointment, bottles of nitroglycerin, etc. The law states that any container too small to bear a complete prescription label must, at a minimum, have the patient’s name and prescription number on the container. This small container then must be placed into a larger container that bears a complete prescription label. For example: A bottle of Timoptic XE<sup>®</sup> 0.5% must have the patient’s name and prescription number on the bottle itself. This bottle can be placed into a 16-dram prescription vial with a complete prescription label affixed to it. However, the label bearing only the prescription number and the name of the patient does not need to be applied to any product whose function would be impaired by such a label. (OAC 4729-5-16)

3) How long do I have to dispose of my outdated prescription drugs? Under Ohio law, pharmacies have one year from the date they expire to dispose of outdated drugs. In addition, outdated drugs must be stored in a separate and secure location apart from the other inventory of drugs used in the dispensing of prescription medications. (OAC 4729-9-17)

4) Can a podiatrist write a prescription for a hypertension medication for a patient? In Ohio, podiatrists are considered to be limited prescribers. Therefore, a podiatrist could only prescribe medications within the course of his/her practice as it relates to podiatry. Limited prescribers are authorized to prescribe drugs only within the course of their professional practice. Limited prescribers in Ohio are: podiatrists, optometrists, veterinarians, advance practice nurses, dentists, and physician assistants. Another question is, can an MD write a prescription for the family pet for something as simple as cephalexin 250mg? This answer to this question is “No”. The best way to remember this is with a simple saying: “People doctors are for people and animal doctors are for animals”. “Don’t let people doctors write for animals or animal doctors write for people.” (OAC 4729-5-15)

5) How do you label a prescription written for an animal? This is a very good question. Prescriptions for animals are labeled just like prescriptions for humans. Everything that must be on the label for a human must be on the label for an animal. However, how do you label the “name”? According to Ohio law, the full name of the owner and identification of the animal must be included on the prescription label. (OAC 4729-5-16)

6) Consider the following case: A carpenter comes into your pharmacy and wants to purchase some syringes. He tells you he is using them to inject glue. He makes custom furniture and cabinets for his clients. Can you sell him the syringes? The answer is “Yes”. Under Ohio law, pharmacists can sell syringes to: 1) any person authorized to administer injections, 2) individuals using them for lawful purposes of injecting insulin or other drug prescribed to treat a disease by a licensed health professional authorized to prescribe, 3) a person using the syringe for legal research, clinical, or educational purposes, 4) a farmer using it to administering drugs to animal, and 5) a person using syringes for mechanical, trade or craft purposes. The carpenter discussed above would fall under #5. However, it is important to remember that an individual must be 18 years old to buy syringes. (ORC 3719.172)

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**Continuing Education Test Questions.** Please circle the correct response for each question. A passing grade of 70% must be obtained to receive continuing education credit. CE statements of credit will be mailed within 2-4 weeks of receiving your answer sheet. You must return these answer sheets prior to January 5, 2013 to receive credit.

- 1) Pharmacists are required to do \_\_\_\_\_ **C.E.Us** of continuing pharmacy education every three years.
  - a) 60
  - b) 6.0
  - c) 45
  - d) 4.5
  - e) 3.0
  
- 2) Pharmacists are required to do \_\_\_\_\_ **hours** of Ohio Board of Pharmacy approved jurisprudence continuing education every three years.
  - a) 3
  - b) 60
  - c) 0.3
  - d) 0.1
  - e) there is no requirement for pharmacy jurisprudence in Ohio
  
- 3) A pharmacist is due to report their CE to the Board in 2011. A pharmacist has completed her 60 hours of CE by January 1, 2011. The pharmacist does 5 hours of CE on February 5, 2011. Can the pharmacist carry over these 5 hours to the next reporting cycle (May 15<sup>th</sup> 2011 to May 15<sup>th</sup>, 2014)?
  - a) Yes
  - b) No
  
- 4) Continuing pharmacy education must be reported to the Board of Pharmacy by \_\_\_\_\_ every three years.
  - a) May 15th
  - b) July 1st
  - c) September 15th
  - d) December 31st
  - e) March 1st
  
- 5) Which of the following are true?
  - a) A pharmacist must do 20 hours of CE every calendar year.
  - b) Ohio requires that 10 hours of CE must be "live" CE.
  - c) A pharmacist who is Board of Pharmaceutical Specialties (BPS) certified in Oncology Pharmacy must complete 3 hours of Board approved pharmacy law.
  - d) a and c are true
  - e) a, b, and c are true

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6) In which of the following cases can a doctor fax a schedule II (C-II) prescription for a patient?

- a) a patient in an assisted living facility
- b) a prescription for Dilaudid<sup>®</sup> 2mg for a hospice patient
- c) a home IV prescription for morphine for a cancer patient
- d) b and c only
- e) all of the above

7) For terminally ill patients, prescriptions for schedule II's can be split (partially dispensed) for up to \_\_\_\_\_ days as long as the tablets dispensed don't exceed the total written on the prescription.

- a) 15 days
- b) 30 days
- c) 60 days
- d) 90 days
- e) none of the above, schedule II's cannot be partially dispensed under any circumstances

8) When a schedule II prescription is partially dispensed for a patient in a long-term care facility, which of the following information must be noted on the hardcopy of the prescription?

- a) date dispensed of the partial quantity
- b) quantity dispensed
- c) remaining quantity after the partial dispensing
- d) a and b only
- e) a, b, and c

9) Which of the following are true?

- a) Pharmacists have 60 days to notify the Board of Pharmacy when their address changes.
- b) Pharmacies have one year to dispose of outdated prescription drugs.
- c) A dentist can write a prescription for diabetes for a patient.
- d) a and b are true
- e) b and c are true

10) Which of the following are true?

- a) A prescription container too small to bear a complete label must have the patient's name and directions for use on it.
- b) A pharmacist can sell syringes to a farmer who administers drugs to his animals.
- c) A prescription label for an animal must have the full name of owner and identification of the animal.
- d) b and c are true
- e) a, b and c are true

**Continuing Education Test Answer Sheet  
“Topics in Ohio Pharmacy Law”**

Program Number: 036-367-11-001-H03    C.E.U.s: 0.1  
Release date: 01/05/2011

Contact Hours : 1 hour  
Expiration date: 01/05/2013

- 1) A   B   C   D   E
- 2) A   B   C   D   E
- 3) A   B   C   D   E
- 4) A   B   C   D   E
- 5) A   B   C   D   E

- 6) A   B   C   D   E
- 7) A   B   C   D   E
- 8) A   B   C   D   E
- 9) A   B   C   D   E
- 10) A   B   C   D   E

Name: \_\_\_\_\_

Address: \_\_\_\_\_

City, State, and Zip: \_\_\_\_\_

Phone Number: (    ) \_\_\_\_\_ - \_\_\_\_\_

**Ohio Pharmacist License #** \_\_\_\_\_

**Program Evaluation:**

Did this program meet its objectives?  
1 2 3 4 5 (1 = poor and 5 = excellent)

Please rate the content of this program  
1 2 3 4 5 (1 = poor and 5 = excellent)

Please rate the applicability to my practice  
1 2 3 4 5 (1 = low and 5 = high)

**Any other comments about this program:**  
\_\_\_\_\_

Pharmacy Education Unlimited has additional Ohio Board of Pharmacy approved Jurisprudence Continuing Education programs for Pharmacists.

**Please send to me the following Ohio programs:**

\_\_\_\_\_ “Topics in Controlled Substance Laws for Ohio Pharmacists”  
Expiration date: 10/15/2011    Cost: \$20.00

\_\_\_\_\_ “Topics in Pharmacy Technician and Intern Laws for Ohio Pharmacists”  
Expiration Date: 02/20/2012    Cost: \$20.00

**Or you may email your request to  
pharmacyeducationunlimited@yahoo.com**

Just let us know which programs you are interested in and we will send them out to you at no obligation. You only need to send a check for payment if you return the program for continuing education credit.

**To receive credit for this program, please submit this completed answer sheet along with a check for payment of \$20.00 made out to Pharmacy Education Unlimited.**

*Mail to:*  
**Pharmacy Education Unlimited  
P.O. Box 383  
Columbus, OH 43216**

**A certificate of completion will be mailed to you within 2-3 weeks.**