



## Ohio Administrative Code Rule 4729:3-4-01 Disciplinary actions.

Effective: [March 1, 2025](#)

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(A) As used in this rule:

(1) "Dishonesty" means any action by a licensee, registrant or applicant to include, but is not limited to, making any statement that deceives, misrepresents or misleads, or be a party to or an accessory to any fraudulent or deceitful practice or transaction in the practice of pharmacy or in the operation or conduct of a pharmacy.

(2) "Unprofessional conduct" means conduct that is detrimental to the best interests of the public, including conduct that endangers the health, safety or welfare of a patient or client. Such conduct shall include, but not be limited to, the following acts: coercion, intimidation, harassment, sexual harassment, improper use of private health information, threats, degradation of character, indecent or obscene conduct, and theft.

(3) "Reckless behavior" means a person who acts recklessly or who is reckless. A person acts recklessly when, with heedless indifference to the consequences, the person disregards a substantial and unjustifiable risk that the person's conduct is likely to cause a certain result or is likely to be of a certain nature. A person is reckless with respect to circumstances when, with heedless indifference to the consequences, the person disregards a substantial and unjustifiable risk that such circumstances are likely to exist.

(B) The state board of pharmacy, after notice and hearing in accordance with Chapter 119. of the Revised Code, may impose one or more of the following sanctions on a pharmacy technician trainee, registered pharmacy technician, certified pharmacy technician or applicant for such registration if the board finds the individual engaged in any of the conduct set forth in paragraph (C) of this rule:

(1) Revoke, suspend, restrict, limit, or refuse to grant or renew a registration;

(2) Reprimand or place the holder of the registration on probation;



(3) Impose a monetary penalty or forfeiture not to exceed in severity any fine designated under the Revised Code for a similar offense, or in the case of a violation of a section of the Revised Code that does not bear a penalty, a monetary penalty or forfeiture as specified in section 4729.96 of the Revised Code.

(C) The board may impose the sanctions listed in paragraph (B) of this rule if the board finds a pharmacy technician trainee, registered pharmacy technician, certified pharmacy technician or applicant for such registration:

(1) Except as provided in paragraph (C)(9) of this rule, has engaged in any of the conduct specified in division (A)(2) of section 4729.96 of the Revised Code.

(2) Violated any state or federal law or rule regardless of the jurisdiction in which the acts were committed, except for minor traffic violations such as parking violations, speeding tickets and violations such as failure to obey a red light, failure to use a turn signal or expired registration.

(3) Has been disciplined by the state board of pharmacy pursuant to section 4729.96 of the Revised Code.

(4) Has been the subject of any of the following by the drug enforcement administration or licensing agency of any state or jurisdiction:

(a) A disciplinary action that resulted in the suspension, probation, surrender or revocation of the person's license or registration.

(b) A disciplinary action that was based, in whole or in part, on the person's inappropriate prescribing, dispensing, diverting, administering, storing, securing, personally furnishing, compounding, supplying or selling a controlled substance or other dangerous drug.

(5) Has been subject to any of the following:

(a) A finding by a court of the person's eligibility for intervention in lieu of conviction; or



- (b) A finding by a court of the person's eligibility for treatment or intervention in lieu of conviction in another jurisdiction.
- (6) Has been granted entry into a diversion program, deferred prosecution program, or the equivalent thereof.
- (7) Cannot conduct authorized activities according to acceptable and prevailing standards of care by reason of mental illness or physical illness, including, but not limited to, physical deterioration that adversely affects cognitive, motor, or perceptive skills.
- (8) Engaged in dishonesty or unprofessional conduct.
- (9) Is responsible for any of the following but only as a result of reckless behavior:
- (a) An error in dispensing as defined in rule 4729:5-3-22 of the Administrative Code;
- (b) A product quality issue for any compounded drug preparation as defined in rule 4729:7-2-03 of the Administrative Code.
- (D) The board may require that an individual whose registration has been suspended may not be employed by or work in a facility licensed by the state board of pharmacy to possess or distribute dangerous drugs during such period of suspension.