



## Ohio Administrative Code

### Rule 4729:4-1-05 Probation.

Effective: May 7, 2021

---

(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.



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

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

(11) 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) 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 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) 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) 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) Minimum probationary term of at least five years.



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

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

(19) 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](http://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.