



Ohio Administrative Code

Rule 4729:4-1-09 Terms while under suspension.

Effective: February 4, 2021

(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 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, 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 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.