



Ohio Administrative Code

Rule 4729:5-5-02.5 Outpatient Pharmacy Access Points.

Effective: May 1, 2024

(A) As used in this rule, "ancillary services" are those services performed by pharmacy personnel that are not directly involved in the dispensation of dangerous drugs. Examples of such services include, but are not limited to, immunizations, drug administration, medication therapy management, disease state management, and refill reminders.

(B) Except as provided for in paragraph (C) of this rule, a pharmacy shall develop and implement an effective organizational policy that permits a pharmacist to do all the following:

(1) Limit the provision of ancillary services if, in the pharmacist's professional judgment, the provision of such services cannot be safely provided or may negatively impact patient access to medications. The pharmacy's policy shall include an offer by pharmacy staff to make an appointment for a patient or refer a patient to another location offering immunizations and other ancillary services.

(2) Limit pharmacy access points, if, in the pharmacist's professional judgment, limiting such access points will minimize fatigue, distraction, or other conditions which interfere with a pharmacist's ability to practice with reasonable safety and competence.

(C) In the absence of an organizational policy described in paragraph (B) of this rule, an outpatient pharmacy shall not override the control of the pharmacist on duty as follows:

(1) A pharmacist's decision not to administer or supervise immunizations or provide other ancillary services if, in the pharmacist's professional judgment, the provision of such services cannot be provided safely or may negatively impact patient access to medications. The pharmacy staff shall offer to make an appointment for the patient or may refer the patient to another location offering immunizations and other ancillary services.

(2) A pharmacist's decision to limit pharmacy access points if, in the pharmacist's professional



judgment, limiting such access points will minimize fatigue, distraction, or other conditions which interfere with a pharmacist's ability to practice with reasonable safety and competence. Such limitations shall not interfere with a patient's ability to drop off or receive dispensed prescriptions during the pharmacy's posted hours of operation.

(D) Organizational policies developed in accordance with paragraph (A) of this rule shall be maintained in the pharmacy for immediate inspection by an agent, inspector, or employee of the board.

(E) This rule does not apply to outpatient pharmacies that are not open to the public (e.g., closed door pharmacies).

(F) An outpatient pharmacy shall not retaliate or discipline a pharmacist who, in good faith, acts in accordance with this rule. As used in this rule, retaliation or discipline of an employee includes, but is not limited to, the following:

- (1) Removing or suspending the employee from employment;
- (2) Withholding from the employee salary increases or employee benefits to which the employee is otherwise entitled;
- (3) Transferring or reassigning the employee;
- (4) Denying the employee a promotion that otherwise would have been received;
- (5) Reducing the employee in pay or position.