
STATE BOARD OF PHARMACY (PRX)

- Exempts the following from the requirement to be licensed as a pain management clinic: (1) a facility operated by a hospital for the treatment of pain or chronic pain, (2) a physician practice owned or controlled, in whole or in part, by a hospital or an entity that owns or controls, in whole or in part, one or more hospitals, and (3) an interdisciplinary pain rehabilitation program with specified accreditation from the Commission on Accreditation of Rehabilitation Facilities.
- Modifies a provision prohibiting a pain management clinic from employing an individual with a felony record by specifying that the prohibition applies only if the offense was a felony drug abuse offense or a felony theft offense.
- Authorizes the State Board of Pharmacy to contract with private entities for processing licensure applications for wholesale and terminal distributor of dangerous drugs, requires the Board to give preference to Ohio-based companies when entering into the contracts, and prohibits the contracts from transferring to the private entities any of the Board's enforcement or disciplinary authority.
- Increases to \$750 (from \$150) the initial and renewal registration fees charged to wholesale distributors of dangerous drugs.
- Increases to \$150 (from \$55) the penalty for reinstatement of a wholesale distributor of dangerous drugs registration certificate that has not been timely renewed.

Pain management clinic licensure and operation

(R.C. 4729.552 and 4731.054)

Am. Sub. H.B. 93 of the 129th General Assembly established requirements for the licensure and operation of pain management clinics. The State Board of Pharmacy is required to license the clinics as terminal distributors of dangerous drugs with a pain management classification. There are a number of exemptions from the licensure requirement, including one that applies to hospitals.

Hospital-related entities

The act replaces the exemption from pain management clinic licensure that applied under prior law to facilities owned in whole or in part by a hospital. Under the act, both of the following are exempt from licensure:



--A facility operated by a hospital for the treatment of pain or chronic pain;

--A physician practice owned or controlled, in whole or in part, by a hospital or by an entity that owns or controls, in whole or in part, one or more hospitals.

Interdisciplinary pain rehabilitation programs

The act establishes an exemption from pain management clinic licensure for certain rehabilitation programs. For the exemption to apply, the act specifies that the program must be an interdisciplinary pain rehabilitation program with three-year accreditation from the Commission on the Accreditation of Rehabilitation Facilities (CARF). CARF is a private, nonprofit accrediting organization.²³⁰

Clinic employees with felony records

(R.C. 4729.552)

Under prior law, a pain management clinic could not employ an individual who had been previously convicted of, or pleaded guilty to, *any offense* that was a felony in Ohio, another state, or the United States. In place of this provision, the act establishes a prohibition on employment that does not apply with respect to all felony offenses. Specifically, the act prohibits a clinic from employing an individual who has previously been convicted of, or pleaded guilty to, a felony only in the case of an offense that is either of the following:

--A drug abuse offense²³¹ that is a felony under Ohio law, another state law, or federal law;

--A theft offense²³² that is a felony under Ohio law, another state law, or federal law.

²³⁰ CARF International, *Who We Are* (last visited August 17, 2011), available at <<http://www.carf.org/About/WhoWeAre/>>.

²³¹ "Felony drug abuse offense" is defined in continuing law (see R.C. 2925.01 (not in the act)).

²³² The following crimes are identified under continuing law as theft offenses: robbery, burglary, breaking and entering, theft, embezzlement, wrongful conversion, forgery, counterfeiting, deceit, or fraud. This law includes references to felonies under municipal ordinances. (See R.C. 2913.01(K)(3) (not in the act).)

Wholesale and terminal distributor licensure

Processing applications through private entities

(R.C. 4729.50)

The act authorizes the State Board of Pharmacy to enter into contracts with private entities for processing applications and renewal applications for wholesale and terminal distributors of dangerous drugs. When contracting, the Board must give preference to Ohio-based companies. The act prohibits a contract from transferring to a private entity any of the Board's enforcement or disciplinary authority.

Any revenue received by the Board from the contracts must be deposited into the Occupational Licensing and Regulatory Fund. The act specifies that the money may be used for any purpose the Board determines to be relevant to its duties, including the Ohio Automated Rx Reporting System (OARRS).

Fees for wholesale distributors

(R.C. 4729.52)

The act increases the fees charged by the State Board of Pharmacy to wholesale distributors of dangerous drugs as follows:

- Initial registration: \$750 (from \$150);
- Renewal of registration: \$750 (from \$150);
- Penalty for reinstatement of a registration certificate that has not been timely renewed: \$150 (from \$55). The penalty is in addition to the renewal fee.

