



Ohio Administrative Code

Rule 3796:6-4-05 Suspension of a dispensary employee license without a hearing.

Effective: September 5, 2022

(A) Pursuant to division (B)(3) of section 3796.14 of the Revised Code, the state board of pharmacy may suspend a dispensary employee license under the following circumstances:

(1) Upon a finding that a dispensary employee is abusing or becomes addicted to the use of controlled substances the dispensary employee's license shall be suspended by the board until the person offers satisfactory proof to the state board of pharmacy that the person no longer is addicted to the use of controlled substances;

(2) If the board determines that there is clear and convincing evidence that continuation of the dispensary employee's practice or method of dispensing, using or furnishing medical marijuana presents a danger of immediate and serious harm to oneself or to others, the state board of pharmacy shall suspend the person's license without a hearing;

(3) On receiving notification that a dispensary employee has been convicted of or pleaded guilty to a disqualifying offense, the state board of pharmacy may suspend the person's license without a hearing;

(4) On receiving notification that a dispensary employee pleaded guilty to, was found guilty by a jury or court of, or was convicted of a felony drug abuse offense; a finding by a court of the dispensary employee's eligibility for intervention in lieu of conviction; a dispensary employee's plea of guilty to, or a finding by a jury or court of the employee's guilt of, or the employee's conviction of an offense in another jurisdiction that is substantially the same as a felony drug abuse offense; or a finding by a court of the employee's eligibility for treatment or intervention in lieu of conviction in another jurisdiction, the state board of pharmacy immediately shall suspend the license of that person.

(B) The board shall follow the procedure for suspension without a prior hearing in section 119.07 of the Revised Code. The suspension shall remain in effect, unless removed by the board, until the board's final adjudication order becomes effective, except that if the board does not issue its final



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adjudication order within ninety days after the hearing the suspension shall be void ninety-one days after the hearing. The board may suspend a license utilizing a telephone conference call to review the allegations and take a vote.