



## Ohio Administrative Code Rule 4729:5-4-02 Duty to Report.

Effective: [March 1, 2025](#)

---

(A) As used in this rule:

(1) "Dishonesty" means any action by a licensee, registrant or applicant to include, but is not limited to, making any statement that deceives, misrepresents or misleads, or be a party to or an accessory to any fraudulent or deceitful practice or transaction in the practice of pharmacy or in the operation or conduct of a pharmacy.

(2) "Dispensing error" or "error in dispensing" has the same meaning as 4729:5-3-22 of the Administrative Code.

(3) "Reckless behavior" means a person who acts recklessly or who is reckless. A person acts recklessly when, with heedless indifference to the consequences, the person disregards a substantial and unjustifiable risk that the person's conduct is likely to cause a certain result or is likely to be of a certain nature. A person is reckless with respect to circumstances when, with heedless indifference to the consequences, the person disregards a substantial and unjustifiable risk that such circumstances are likely to exist.

(4) "Unprofessional conduct" means conduct that is detrimental to the best interests of the public, including conduct that endangers the health, safety or welfare of a patient or client. Such conduct shall include, but not be limited to, the following acts: coercion, intimidation, harassment, sexual harassment, improper use of private health information, threats, degradation of character, indecent or obscene conduct, and theft.

(B) A pharmacy licensed as a terminal distributor of dangerous drugs shall be required to report, from direct observation or objective evidence, the following to the board in accordance with paragraph (C) of this rule:

(1) Any error in dispensing when the error is the result of reckless behavior.



(2) Any error in dispensing where the error results in any of the following per the National Coordinating Council for Medication Error Reporting and Prevention Medication Error Index (Revised 2/20/2001):

(a) Category G: An error occurred that resulted in permanent patient harm.

(b) Category H: An error occurred that resulted in a near-death event (e.g., anaphylaxis, cardiac arrest).

(c) Category I: An error occurred that resulted in patient death.

(3) The termination or resignation of employment of any individual licensed or registered by the board that was based, in whole or in part, on an error or errors in dispensing.

(4) The termination or resignation of employment of any individual licensed or registered by the board that was based, in whole or in part, on engaging in unprofessional conduct, dishonesty, or reckless behavior.

(5) The termination or resignation of employment of any individual licensed or registered by the board that was based, in whole or in part, on conduct indicating an individual licensed or registered by the board is practicing pharmacy while physically or mentally impaired by alcohol, drugs or other chemical substances or impaired physically or mentally to such a degree as to render the individual unfit to carry out their professional duties.

(C) Reporting required in accordance with this rule shall be made by mail, using the board's online complaint form (available on the board's website: [www.pharmacy.ohio.gov](http://www.pharmacy.ohio.gov)), or telephone and shall include the following information:

(1) The name of the employer and the employer's terminal distributor license number;

(2) The full name and license or registration number of the licensee or registrant for which a report is being made;



(3) If applicable, an explanation of the error in dispensing that occurred, including details regarding any patient harm;

(4) If applicable, an explanation of the circumstances that resulted in the individual's termination or resignation from employment; and

(5) The date(s) of and place(s) of occurrence(s), if known.

(D) All reports submitted in accordance with this rule shall protect the confidentiality of patients. The Board may request additional information, including patient information, as part of an investigation conducted in accordance with Chapter 4729 of the Revised Code.

(E) All required reporting shall be submitted to the board no later than:

(1) For an error in dispensing pursuant to paragraphs (B)(1) through (B)(3) of this rule, ten days from the date the quality assurance program review in accordance with rule 4729:5-3-22 was completed; and

(2) For the termination or resignation of an employee pursuant to paragraphs (B)(4) and (B)(5) of this rule, ten days from the date the individual is terminated or resigns from employment.

(F) Notwithstanding any provision of agency 4729 of the Administrative Code, a pharmacist, pharmacy intern, certified pharmacy technician, registered pharmacy technician, or pharmacy technician trainee shall not be required to make a report to the board pursuant to the applicable duty to report rules in divisions 4729:1, 4729:2, and 4729:3 of the Administrative Code if the licensee or registrant is employed by or under contract with a pharmacy licensed as a terminal distributor of dangerous drugs and the terminal distributor submits a report in accordance with this rule.

(G) In accordance with section 4729.23 of the Revised Code, information submitted to the Board in accordance with this rule shall be deemed confidential, is not a public record, and is not subject to discovery in any civil action.