

Amendment Request: Open meetings exemption for Pharmacy Board (ORC 121.22)

The Board of Pharmacy has the authority to suspend a license without a prior hearing should a licensee present “a danger of immediate and serious harm to others.” The legislature has authorized the Board to conduct such business via conference call to allow for a quick response. Examples of summary suspensions include drug theft, adulteration of drugs, unsanitary compounding practices, harm to children, felony convictions, etc.

The ability of the Board to conduct such business quickly is critical. The Board has an exception to the Open Meetings Act (ORC 121.22) to quickly convene a conference call for the summary suspension of pharmacists and pharmacy interns. However, such exemptions were not added when, over the course of the last ten years, the Board received summary suspension authority via conference calls for other licensees including pharmacies, wholesaler, suspending OARRS access, pharmacy technicians, medical marijuana (dispensaries, employees, patients/caregivers), and home medical equipment service providers.

On the advice of the Attorney General’s Office, the Board is seeking an amendment to the exceptions in ORC 121.22 for all summary suspension activities and suspending inappropriate use of OARRS. **The Board is only seeking parity with the other healthcare regulatory Boards as it relates to conference calls for emergency actions**, including:

- Occupational Therapy, Physical Therapy, and Athletic Trainers Board;
- Nursing Board;
- Chiropractic Board; and
- Medical Board.

Without such a change, the Board cannot act quickly to stop activities by its licensees that pose a danger of immediate and serious harm to others.