



**6/14/2023**

Chair Huffman, Vice Chair Johnson, Ranking Member Antonio, and members of the Senate Health Committee, thank you for the opportunity to provide written testimony on SB 95. My name is Steven W. Schierholt, and I serve as the Executive Director of the State of Ohio Board of Pharmacy.

Prior to the introduction of this legislation, the Board collaborated with industry stakeholders to develop a proposal that balances the need for ensuring pharmacist oversight in an environment with increasing workload, while also allowing for improved access to pharmacy services in areas demonstrating need.

The Board is aware of requests for removal of the mileage restrictions from some industry representatives. The Board respectfully requests that such a restriction be maintained in the bill. While we believe that technology can be a solution for improving access in areas that are underserved, removing the mileage restriction may incentivize replacing full-service pharmacies with remote pharmacies rather than using remote pharmacies to expand access to services.

During our initial conversations with stakeholders, the Board was made aware of concerns related to the ten-mile prohibition for remote dispensing pharmacies. As a result of this dialogue, we worked with industry to develop language that provides additional flexibility in administrative rule (lines 50-59):

*(b) A remote dispensing pharmacy may be located within the ten-mile limitation described in division (C)(2)(a) of this section if either of the following is the case:*

*(i) The remote dispensing pharmacy is part of a federally qualified health center or federally qualified health center look-alike, as defined in section 3701.047 of the Revised Code.*

*(ii) The board, based on a demonstration of need that meets the standards established in rules adopted under this section, approves the remote dispensing pharmacy's physical location.*

The Board is currently working with InnovateOhio and the Ohio Department of Health on a tool that uses social determinants of health to identify areas that would meet the



demonstration of need requirements in the bill. This will include a publicly available mapping tool that allows companies to identify areas demonstrating need based upon data that is updated quarterly. We plan to use an objective, data-driven approach to ensure that demonstration of need can be applied uniformly throughout the state.

Additionally, the Board is also concerned about recommendations to remove the average number of prescriptions that may be dispensed by a remote dispensing pharmacy (lines 99-102). Data from the Board shows increasing concern among pharmacists related to sufficient pharmacist staffing. In 2021, 68% of Ohio pharmacists strongly disagreed or disagreed with the following statement: "I feel that my work environment has sufficient pharmacist staffing that allows for safe patient care." Of those pharmacists working in a large chain setting, that number increased to 89%.<sup>i</sup> By removing any oversight restrictions, pharmacies may be incentivized to force already overworked pharmacists to take on new responsibilities that may potentially endanger the lives of patients.

With increasing concerns about workload and its impact on patient safety, the Board believes that such a restriction is warranted and should remain part of the bill. Furthermore, the proposed legislation still allows for the Board to waive this requirement. Therefore, we have avoided issues experienced in other states by incorporating flexibility into the authorizing language.

Chair Huffman and members of the Senate Health Committee, thank you for the opportunity to provide testimony on SB 95. On behalf of the members of the State of Ohio Board of Pharmacy, we respectfully ask that you maintain the provisions of SB 95 as drafted. This legislation represents a collaboration between regulators and industry, and we believe it strikes the proper balance to ensure that remote pharmacy services can be delivered safely and effectively.

Should you have any questions on my testimony, please do not hesitate to contact the Board's Director of Policy and Communications, Cameron McNamee, at [cameron.mcnamee@pharmacy.ohio.gov](mailto:cameron.mcnamee@pharmacy.ohio.gov).

Sincerely,

A handwritten signature in blue ink, appearing to read "Steven W. Schierholt".

Steven W. Schierholt  
Executive Director  
State of Ohio Board of Pharmacy

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<sup>i</sup> <https://www.pharmacy.ohio.gov/pharmsurvey2021>