



## 90-Day Supply Resolution and Guidance

**Document Updated: 1/19/2022**

Effective April 17, 2020, the State of Ohio Board of Pharmacy hereby establishes the following process for calculating a patient's 90-day supply pursuant to rules 3796:7-2-04 and 3796:8-2-04 of the Administrative Code. This process replaces all previous processes for calculating a patient's 90-day supply and shall remain in effect until codified in Administrative Rule.

This process is intended to provide a simpler way for patients, caregivers, and dispensaries to calculate days' supply while ensuring patients do not exceed the maximum 90-day possession limit established in law.

Dispensaries are now required to calculate a patient's days' supply, as follows:

- A patient's 90-day recommendation is now divided into two 45-day fill periods based upon the patient's current, active recommendation. The first fill period consists of days 1-45 of the recommendation and the second fill period consists of days 46-90 of the recommendation. **NOTE:** The first fill period begins when the patient receives a recommendation.
- In each 45-day fill period, a patient may purchase up to a 45-day supply of medical marijuana, regardless of when purchases are made within the 45-day fill period. For example, if a patient comes in on Day 25 who has not purchased any product during the fill period, that patient may purchase up to a 45-day supply of medical marijuana.
- If the 45-day fill period has been exhausted (i.e., the patient has purchased a 45-day supply within the fill period), the patient must wait until the next 45-day fill period to purchase additional medical marijuana.
  - **REMINDER:** A patient is not required to purchase a full 45-day supply in a fill period and may purchase less than a 45-day supply.
- Conversely, if a patient does not purchase any medical marijuana within a 45-day fill period, the patient is only permitted to purchase a maximum of a 45-day supply of medical marijuana during the next fill period.
- To assist dispensary employees and patients in calculating these new fill periods, the Board of Pharmacy has developed an Adobe PDF form that automatically calculates the new 45-day fill periods. This form can be accessed [here](#).

### **Frequently Asked Questions**

To assist licensees in complying with this new process, the Board has developed the following frequently asked questions. This document will be updated as needed. If you need additional information, the most expedient way to have your questions answered is to email: [MMCPRegistry@pharmacy.ohio.gov](mailto:MMCPRegistry@pharmacy.ohio.gov).

**Q1) How does this process generally work?**

To answer this question, please see the following example:

*On July 8, 2019, a patient is issued a recommendation with 3 refills. The days' supply periods using the new guidance would be as follows:*

<b>Fill Period</b>	<b>Start Date</b>	<b>End Date</b>	<b>Maximum days' supply that may be purchased</b>
<b>Fill Period 0-1</b>	July 8, 2019	August 22, 2019	46*
<b>Fill Period 0-2</b>	August 23, 2019	October 6, 2019	45
<b>Fill Period 1-1</b>	October 7, 2019	November 20, 2019	45
<b>Fill Period 1-2</b>	November 21, 2019	January 4, 2020	45
<b>Fill Period 2-1</b>	January 5, 2020	February 18, 2020	45
<b>Fill Period 2-2</b>	February 19, 2020	April 3, 2020	45
<b>Fill Period 3-1</b>	April 4, 2020	May 18, 2020	45
<b>Fill Period 3-2</b>	May 19, 2020	July 2, 2020	45

*\*Board policy provides patients with an extra day from the date of initial issuance of a recommendation.*

To assist dispensary employees and patients in calculating these new fill periods, the Board of Pharmacy has developed an Adobe PDF form that automatically calculates the new 45-day fill periods. This form can be accessed [here](#).

**Q2) When this policy became effective, I had already purchased more than a 45-day supply within the fill period. Will I be eligible to purchase a 45-day supply in my next fill period?**

Yes. The new method of calculation means that your available supply resets at the beginning of your next 45-day fill period.

**Q3) Why did the Board feel it was necessary to change the 90-day supply calculation process?**

The Board has been speaking with patients, caregivers, and dispensaries about potential changes to the 90-day supply calculation. This process is intended to provide a simpler way for patients, caregivers, and dispensaries to calculate days' supply while ensuring patients do not exceed the maximum 90-day possession limit established in law.

**Q4) Do I have to purchase a 45-day supply in each 45-day fill period?**

No. However, any days' supply remaining in a 45-day fill period **does not** roll over into your next 45-day fill period.

**Q5) How will I know how many days I have purchased in each 45-day fill period?**

Patients and caregivers are encouraged to keep track of the first day of each 45-day fill period and the days' supply purchases made during the fill period. Patients and caregivers should consult dispensary staff with any questions.

To assist dispensary employees and patients in calculating these new fill periods, the Board of Pharmacy has developed an Adobe PDF form that automatically calculates the new 45-day fill periods. This form can be accessed [here](#).

**Q6) Does this policy permit me to make advance purchases for my next 45-day fill period?**

No. You are only able to purchase a 45-day supply within each 45-day fill period (with the exception of the first Fill Period, 0-1, which permits the purchase of 46-day supply).

**Q7) As dispensaries transition to the new way of calculating a patient's days' supply, there is a possibility, based upon previous purchase history, that a patient has the potential to temporarily exceed their 90-day possession limit (e.g. a patient has already purchased 55 days in fill period 1-1 and then purchases a full 45 days early in period 1-2). How do patients ensure they do not exceed this limit during the transition period?**

During this transition period, patients and dispensary employees are reminded that a patient may only possess a 90-day supply of medical marijuana. Patients who have previously met their 90-day limit using the old method of calculating days' supply are strongly advised to work with their dispensary to ensure that they do not exceed the 90-day supply possession limit.

**REMINDER:** This is only a temporary issue as the program transitions to the new method of calculating a patient's days' supply.

**Q8) Due to the transition to the new method of calculating days' supply, a patient has already purchased a 70-day supply in fill period 1-1 and is attempting to purchase a full 45-day supply in fill period 1-2, is this permitted?**

Yes. During the transition to this new method of calculating days' supply, a scenario like this may occur. As dispensaries can only monitor for purchases and not for an individual's use, dispensaries should remind patients that, by law, they are not permitted to possess more than a 90-day supply of medical marijuana at any time.

**REMINDER:** Such scenarios will be temporary as the program transitions to the new method of calculating a patient's days' supply.

**Q9) Can a patient or caregiver purchase 90-day supply at once?**

No. Effective April 17, 2020, a patient or caregiver will only be able to purchase in 45-day increments.

In each 45-day fill period, a patient may purchase up to a 45-day supply of medical marijuana, regardless of when purchases are made within the 45-day fill period. For example, if a patient comes in on Day 25 who has not purchased any product during the fill period, that patient may purchase up to a 45-day supply of medical marijuana.