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## Dispensary Licensee Newsletter - December 2019

**Editor's Note:** This month we bring you news of the first set of proposed rule amendments, clarification on days' supply, and notice of a potential scam targeting licensees.

- Board of Pharmacy's MMCP Staff

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## IMPORTANT UPDATES

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### Proposed Rule Amendments

The State of Ohio Board of Pharmacy has published its first set of proposed rule amendments related to the Ohio Medical Marijuana Control Program. You can access the rule sets at the following links:

- [Draft Dispensary Rule Amendments](#)
- [Draft Form and Method of Administration Rule Amendments](#)
- [Draft Patient and Caregiver Rule Amendments](#)

### Days' Supply Guidance

As a reminder, the "Purchase Summary" section at the bottom of a patient's Registry profile is not calculating correctly. The Board published the [correct days' supply remaining calculation in May](#). A corrected "Purchase Summary" will be integrated into the Registry soon.

In the meantime, the Board's Registry Support staff can clarify the correct days' supply remaining for a patient, and can also communicate that information to dispensaries.

**Please note: Board staff members cannot authorize dispensaries to dispense to a patient who does not have any days' supply remaining for that day.**

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## LICENSING

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### Restrictions for a Designated Representative on Probation with the Board

During the Board's November 2019 Meeting, the Board passed a resolution requiring a restriction be added to the Board's standard probation terms and conditions for a reinstated pharmacist. This restriction prohibits a reinstated pharmacist from serving as a Designated Representative for a Medical Marijuana Dispensary during any period of probation ordered by the Board. This is consistent with the restriction that a reinstated pharmacist may not serve as a Responsible Person in a pharmacy during any period of probation ordered by the Board.

The following will appear in the Board's Nov. 4-6, 2019, Meeting Minutes that will be published to the Board's website:

**R-2020-0174** Mr. Cox moved that the Board add an additional standard condition prohibiting the ability to be a Designated Representative at a Dispensary or for Home Medical Equipment while on probation and/or not in good standing; further that the staff should approach recent reinstated pharmacists to update their Orders accordingly or bring back for additional proceedings consistent with Chapter 119 those who did not receive such language in their reinstatement Orders. The motion was seconded by Ms. Yarosh and approved by the Board: Aye-7, Nay-0.

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# COMPLIANCE

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## Product Returns and Refunds

Please be aware that it is not the Board's policy to prohibit the return and refund of all products. The following products may be returned to a dispensary for a refund: (1) Erroneously dispensed products; (2) Recalled products; and (3) Defective products.

## Remediated Products

The State of Ohio Board of Pharmacy has been made aware of confusion regarding the "contains remediated product" icon on Metrc manifests for products delivered by processors. The purpose of this icon is to indicate that the flower used to produce a processed product tested positive for microbials. Subsequent to that test, an authorized extraction was conducted to "remediate" the product so it could be sold. Whether to accept any product being delivered by a processor is left to the sole discretion of a dispensary.

## Important Notice to All Licensees Regarding Extortion Scam

Licensees should be on alert for a scam that has been targeting Ohio healthcare providers.

Scammers have been calling and faxing prescribers and pharmacists saying they are being investigated by the Drug Enforcement Administration and their DEA registration will be revoked or suspended or they will be arrested if they do not agree to pay a fine immediately via phone or fax.

Additionally, individuals posing as Board of Pharmacy or State Medical Board agents are also contacting healthcare providers by phone and/or fax in an attempt to obtain payment to resolve a disciplinary matter.

**Please be aware that if the Board of Pharmacy or State Medical Board are conducting an investigation and that individual faces action against their license, they will receive an official notice of opportunity for a hearing either via certified mail or by personal service.**

If you are unsure of whether the individual claiming to be a Board of Pharmacy agent or inspector is legitimate, you may call the Board office at 614-466-4143 and ask to speak to the Compliance and Enforcement Department.

The DEA is also aware of the extortion scam and has published more information on its website, including how to notify the DEA:

[https://www.deadiversion.usdoj.gov/pubs/pressreleases/extortion\\_scam.htm](https://www.deadiversion.usdoj.gov/pubs/pressreleases/extortion_scam.htm)

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# DISPENSARY OPERATIONS

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## Days' Supply Clarification

With respect to processed products, the days' supply entered in a patient's dispensation record is to be the days' supply that is associated with the Product ID of the purchased product, regardless of whether the product contains less THC than in one whole-day unit. The days' supply is not determined by aggregating the THC content across purchases of products containing less THC than one whole-day unit. This information can be found in the manifest from processors.

## Product ID Naming Convention

Item and Item Brands need to be consistent. The only difference between Item and Item Brand is the quantity. References to specific strains, flavors, or ingredients. in an Item name need will to be included in the name of the Item Brand associated with the Item. Here are a couple examples:

### Correct

Item Brand: Tier 1 Vap-Indica-28-10 MMCP

Item: Tier 1 Vap-Indica-28-10 MMCP

### Incorrect

Item Brand: Tier 1 Vap-Indica-28-10

Item: Tier 1 Vap-Indica-28-10 MMCP

### Correct

Item Brand: Edb Oral Admin 11-0 - Gummy - Orange

Item: Edb Oral Admin 11-0-10 - Gummy - Orange

**Incorrect**

Item Brand: Edb Oral Admin 11-0-10

Item: Edb Oral Admin 11-0-10 - Gummy - Orange