

Patient and Caregiver Rules

State of Ohio Board of Pharmacy





Background

- The primary focus of the rules is to develop a program that ensures
 - Public safety
 - Access to a safe medical product
 - Scalability to allow the program to respond to changes in demand
- The draft rules presented to the Medical Marijuana Advisory Committee were developed after
 - Benchmarking with other states and talking with industry experts
 - Engaging with registered patients and caregivers outside of Ohio
 - Listening to concerns from prospective patients and caregivers in Ohio

3796:7-1-01 Definitions



- Defines terms specific to the patient and caregiver registry

3796:7-2-01 Procedure for patient registration



Physician examines patient and determines that patient has a qualifying condition



Physician determines the benefits of medical marijuana outweigh the risks of medical marijuana



Physician or delegate uses OARRS credentials to log into registry and begin registration process

Makes requisite attestations

Specifies number of 90-day refills authorized

Notes instruction for use, if any



Recommendation is generated in the patient registry and the registration is submitted to the State Board of Pharmacy



Patient and/or caregiver emailed link to access registry

Patients will be able to modify home address, email address, and payment information



Patient access to the patient registry

Patient or caregiver receives email containing link and accesses link



Webpage contains patient information including recommendation

Patient or caregiver has ability to modify only certain fields

Patient or caregiver establishes password



Patient card is generated and sent electronically to patient

Valid for 1 year

Includes a unique and encrypted barcode

Can be accessed by patient at anytime

3796:7-2-01 Procedure for patient registration



- Applications for patients diagnosed with a terminal illness will be prioritized
- Any registrations received more than 90 days after recommendation becomes stale and no longer considered



3796:7-2-02 Caregiver eligibility

- Must be 21 or older
- Limited to 2 patients per caregiver and 2 caregivers per patient
- 2 person limit relaxed for end of life care, when it would create an undue hardship, and for patients and caregivers in the same household
- Caregivers are not eligible if they appear in any of the listed databases



3796:7-2-03 Caregiver registration

- Like patients, caregiver registrations are submitted by the recommending physician
- Caregivers must attest to a number of items including willingness to monitor dosage and frequency of administration
- Caregiver must be parent or legal guardian of patient under 18



3796:7-2-03 Caregiver registration

Caregiver receives email containing link and accesses link

Webpage contains patient information including recommendation

Caregiver has ability to modify only certain fields

Caregiver establishes password

Caregiver completes remaining required fields

Attestations

Payment

Review of public databases is completed

Caregiver card is generated and sent electronically to caregiver

Valid for 1 year

Includes a unique and encrypted barcode

Can be accessed by caregiver at anytime



3796:7-2-04 Purchase of Medical Marijuana

- Limits the purchase of medical marijuana to patients 18 and older and caregivers
- Registry identification cards are linked to photo ID
- Any portion of 90-day supply may be purchased except no more than a 90-day supply may be purchased in a single 90-day period
- Caregivers may purchase no more than a 90-day supply on behalf of a single patient



3796:7-2-05 Patients and caregivers -- generally

- Patients and caregivers may not cultivate or extract medical marijuana
- Samples may not be accepted
- Medical marijuana must be securely stored to prevent theft and unauthorized access and be kept in a dispensary container with original label
- Caregivers may not receive payment exclusively for serving as a caregiver
- Must dispossess selves of marijuana within 7 days of expiration, suspension, or revocation of registration and may not possess more than 180-day supply at a time



3796:7-2-06 Voluntary relinquishment of medical marijuana registration

- Intended procedure for those who no longer have a qualifying condition
- 14 days after learning that a patient no longer has a qualifying condition, patients and their caregivers may voluntarily relinquish their registration or request a hearing to maintain registration
- Board has authority to initiate 119 hearing if neither action occurs
- Notice of hearing will be provided in either case



3796:7-2-07 Duty to report

- Fraudulent use of registration identification cards and known unauthorized access to the medical marijuana registry
- Patients or caregivers must report to the board within 7 days if the patient no longer is diagnosed with a qualifying condition
- Caregivers must report any arrest, charges pending, or conviction for any felony or misdemeanor except non-DUI-related traffic misdemeanors
- Affords 7 days or more to report in many cases where licensed professionals must report immediately



3796:7-2-08 Grounds for discipline

- Conduct in violation of the MMCP
- Maintenance of marijuana in a manner that put others at risk or failure to take reasonable precautions to prevent putting others at risk
- Using a method of administration that is not approved
- Failing to voluntarily relinquish registration or request a hearing after no longer being diagnosed with a qualifying condition
- Fines and mental health examination as permissible action by the board



3796:7-2-9 Suspension of a patient or caregiver registration without a hearing

- Allows for summary suspension where the continued access or use would result in a danger of immediate and serious harm to oneself or others

3796:7-2-10 Confidentiality of patient records at a hearing



- Describes circumstances under which medical records will be redacted



3796:7-3-01 Fee schedules

- Application fee of \$50 for patients and \$25 for caregivers for a 1 year registration
- Those receiving SSI or SSDI and veterans will receive a 50% registration discount, as will their caregivers.