



Dispensary Licensee Newsletter - March 2020

An Update on Coronavirus (COVID-19)

The State of Ohio Board of Pharmacy is committed to protecting the health and safety of Ohioans during the COVID-19 outbreak.

Dispensaries should be aware that older adults, people who are immunocompromised, and those who have severe underlying chronic medical conditions like heart or lung disease or diabetes seem to be at higher risk for developing more serious complications from COVID-19. As of March 19th, there have been 119 confirmed cases in Ohio.

To protect patients and dispensary employees, the Board has issued mandatory requirements for maintaining clean and sanitary conditions within a dispensary (see below). In addition to these requirements, dispensaries are encouraged to contact their compliance agent to discuss additional safeguards to reduce possible exposure. Board agents will work with you to balance both security and health concerns during this public health event.

For more information on the state's efforts to address coronavirus, visit www.coronavirus.ohio.gov or call 1-833-4-ASK-ODH.

- Board of Pharmacy's MMCP Staff

IMPORTANT UPDATES

Requirements for Maintaining Clean and Sanitary Conditions for Medical Marijuana Patients

[Rule 3796:6-3-02 of the Ohio Administrative Code](#) requires a dispensary to ensure that any building or equipment used by a dispensary for the storage or sale of marijuana is maintained in a clean and sanitary condition. This includes the mandatory implementation of ODH recommended safeguards to protect dispensary employees and patients during a public health emergency.

Ohio-licensed dispensaries are required to implement the following safeguards to ensure dispensaries are maintained under clean and sanitary conditions:

- Implement social distancing policies for dispensary waiting rooms. Per CDC guidance, dispensaries are required to restrict capacity in waiting rooms to no more than ten people (to include staff).
- Establish a process for older adults, individuals with compromised immune systems, and other patients who are at-risk to be served first.
- Implement infection control procedures to include the following:
 - Make sure staff maintain a distance of 3 feet from asymptomatic patients and at least 6 feet from those actively coughing.
 - Dispensaries with workspaces that allow patients to get closer than the recommended distance should post signage or utilize other methods to ensure patients are maintained at a safe distance.
 - Regularly clean and disinfect counters, ATMs, keypads, waiting areas, and other spaces where public interaction occurs with an [an EPA-approved disinfectant](#). Clean at least every hour or after every 10 patients, whichever is more frequent. If cleaning and disinfecting products are in short supply, the Ohio Department of Health has developed the following guidance: <https://coronavirus.ohio.gov/wps/portal/gov/covid-19/home/covid-19-checklists/cleaning-disinfecting-alternatives-covid-19-checklist>
 - If available, make alcohol-based hand sanitizer available to patients and caregivers.
 - Provide regular breaks for staff to engage in proper hand hygiene (i.e. routinely washing hands with soap and water for at least 20 seconds).
- Monitor all staff for sickness. Take staff temperature once per shift and send them home if they have a fever (i.e. 100.4 degrees or higher) or symptoms of a respiratory infection

(coughing or shortness of breath).

Guidance for CTR Physicians

On March 18, 2020, the State Medical Board of Ohio met and voted to suspend enforcement of telemedicine regulations for licensees during the COVID-19 pandemic. This will allow physicians with a CTR to use telemedicine in place of in-person visits to make recommendations and renewals for medical marijuana.

CTR physicians are also encouraged to add caregivers for their medical marijuana patients, as many patients may be at higher risk for illness and should not be visiting dispensaries to purchase their medical marijuana. Caregivers may now be registered by the CTR physician without an in-person visit. However, caregivers will still be subject to review and processing by the State of Ohio Board of Pharmacy before they are eligible for registration. Board staff will be working diligently to process new caregiver registrations as soon as possible.

Physicians must document their use of telemedicine and meet minimal standards of care. The Medical Board will provide advance notice before resuming enforcement of the above regulation when the state emergency orders are lifted.

Click [here](#) to view the current state and federal Telemedicine Guidance.

Expired Registrations

Now that it has been over one year since the activation of the Patient & Caregiver Registry, we are beginning to see patients and caregivers whose registrations are expiring. Please make sure to check the expiration date on a registrant's card in the Registry when they enter a dispensary. If the expiration date on their card has passed, they are **not** authorized to purchase medical marijuana.

LICENSING

Employee Badges

During the time MMCP staff are working remotely, employees will receive a PDF image of their badge that must be kept on their person at all times while they have access to the dispensary. It is also suggested that Designated Representatives of the facility confirm the employee's licensing status on the [eLicense lookup feature](#) to ensure they display as 'Active.'

COMPLIANCE

Sales to Minors

Pursuant to OAC 3796:8-2-03, vaporization is not an authorized method of administration for registered patients under the age of 18. This includes plant material and metered oil or solid preparation for vaporization. Designated Representatives must ensure dispensary staff is verifying the age of the patient prior to dispensing to their caregiver. Any dispensing to a minor of a prohibited form or method is a violation of the aforementioned rule.

Signatures

Dispensaries are prohibited from utilizing electronic signatures and/or pre-signed forms when submitting requests through the compliance portal. The forms specifically list on of the following statements:

- **"Electronic or digital signatures are not acceptable."**
- **"This form must be manually signed in ink. Digital signatures will NOT be accepted."**

It is important to remember the attestation at the bottom of these forms requires the signee to attest to the authenticity and authorization of each submission. The request forms may NOT be pre-signed (in ink) or signed with an electronic or digital signature. The designated representative and/or otherwise authorized signee shall review each submission to ensure compliance and accuracy, prior to signing and submitting each request. Future submissions determined to be pre-signed or contain a digital signature will be denied. Please contact your applicable BOP agent with any questions.

DISPENSARY OPERATIONS

Continuing Education Material Submission Reminder

Pursuant to [OAC 3796-6-3-19](#), all dispensary employees are required to receive a minimum of 16 hours of continuing education for each two-year licensing period. Foundational Training does not count toward continuing education. Similar to Foundational Training, dispensaries are required to submit continuing education materials for approval 60 days prior to the date of the intended training. Dispensaries may independently develop content or work with a third party.

For more information regarding submitting, please review the following:

- [Dispensary Training & Continuing Education Submission Guidance Document](#)
- [Dispensary Training & Continuing Education FAQ](#)
- [Dispensary Training & Continuing Education Submission Form](#)
- [Dispensary Training & Continuing Education Submission Form - CE Attachment](#)