

January 5, 2007

At the first of the year, Banyan received notification from the Ohio State Board of Pharmacy that any Ohio customer must be licensed with the OSBP and also hold a TDDD (Terminal Dangerous Drug Distributor) license in order to purchase pharmaceuticals from Banyan. Proof of the license must be provided to Banyan at the time of the sale, or shipment may not be made; Banyan is required to keep the documentation on file for three years. In return, Banyan is required to provide the Ohio customer with a copy of our license with the Ohio State Board of Pharmacy. The Ohio ruling may be found on the following two pages.

On **June 12, 2008**, Governor Strickland signed Sub. H.B. 283 which added two paragraphs to Section 4729.51 of the Revised Code and takes effect on September 12, 2008. This change addresses to whom a registered Wholesale Distributor of Dangerous Drugs may sell or distribute dangerous drugs. *A copy of these changes is attached.*

A copy of your license may be faxed to the attention of TDDD at 325.677.1372. If you prefer, you may e-mail your license to [customerservice@statkit.com](mailto:customerservice@statkit.com). Your website order will not be processed until the documentation has been received in our office.

Banyan Customer Service

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***Our Business is Saving Lives***



# OHIO STATE BOARD OF PHARMACY

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TTY/TDD: Use Ohio Relay Service: 1-800/750-0750

URL: <http://www.state.oh.us/pharmacy/>

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## LICENSING ISSUES FOR PRESCRIBERS - UPDATED (07/2008)

### What is a Terminal Distributor of Dangerous Drugs (TDDD) license?

A Terminal Distributor of Dangerous Drugs license allows a business entity to purchase and possess dangerous drugs at a specific address for distribution to patients.

Distribution includes administration of drugs on-site to patients as well as handing the drugs to the patient to take away from the facility for later use. (4729.01(Q) ORC)

Dangerous drugs are defined in the Ohio Revised Code as any drug requiring a prescription, bears on the label a Federal legend (Rx Only or Caution: Federal law prohibits dispensing without a prescription), or is intended for injection into the human body. This includes antibiotics, vaccines, local anesthetic injectable products, and medical oxygen as well as controlled substances. (4729.01(F) ORC)

### When does a prescriber need to obtain a license from the Board of Pharmacy?

Section 4729.51(B) of the Ohio Revised Code states that no registered Wholesale Distributor of Dangerous Drugs shall sell to anyone other than an individual health care professional authorized by law to prescribe drugs or dangerous drugs in the course of the individual's professional practice (also called a prescriber), a Terminal Distributor of Dangerous Drugs, another Wholesale Distributor of Dangerous Drugs, or a manufacturer. A prescriber or healthcare professional authorized by law to prescribe drugs or dangerous drugs is defined as an individual who is authorized by law to prescribe drugs or dangerous drugs in the course of the individual's professional practice (4729.01(I) ORC).

**On June 12, 2008, Governor Strickland signed Sub. H.B. 283** which added two paragraphs to Section 4729.51 of the Revised Code and takes effect on September 12, 2008. This change addresses to whom a registered Wholesale Distributor of Dangerous Drugs may sell or distribute dangerous drugs.

**The first paragraph that was added** is section 4729.51(B)(1)(j) which will now allow registered wholesale distributors of dangerous drugs to sell dangerous drugs to a business practice that is a corporation, limited liability company, or professional association if the business practice has a **SOLE SHAREHOLDER** who is a licensed health professional authorized to prescribe drugs (prescriber) and is authorized to provide the professional services being offered by the practice.

This means that if the business practice has a single prescriber (MD, DO, DVM, DPM, etc.) who **is the sole shareholder, member, or owner** of the practice, then this business practice is not required to be licensed as a Terminal Distributor of Dangerous Drugs with the Ohio Board of Pharmacy. Previously, this exemption was only for a prescriber who practiced as a Sole Proprietor.

However, if the business practice is a group practice **AND** there are **multiple owners, shareholders, or members** then the business practice (corporation, professional association, LLC, or partnership) is required to be licensed as a Terminal Distributor of Dangerous Drugs with the Board of Pharmacy. There is an application available from the Board office. A separate license is required for each separate location where dangerous drugs are received, stored, used, or distributed.

**The second paragraph that was added** pursuant to the passage of HB 283 is section 4729.51(B)(1)(k) which now allows registered wholesale distributors of dangerous drugs to sell dangerous drugs to a corporation, limited liability company, partnership, limited partnership, or professional association **if, to be a shareholder, member, or partner, an individual is required to be licensed, certified, or otherwise legally authorized under Title XLVII of the Revised Code** to perform the professional service provided by the entity and each such individual is a licensed health professional authorized to prescribe drugs. Currently, the **ONLY GROUP** affected by this change are dentists licensed by the Ohio Dental Board. Therefore, dentists are not required to have a Terminal Distributor of Dangerous Drugs license.

### **What about a DEA number?**

According to the DEA, a registration is required of all practitioners who possess, distribute, or prescribe controlled substances. One registration is required for every address where controlled substances are located.

- A prescriber who has multiple offices will need a separate registration for each office where he/she keeps a controlled substance on site.
- A prescriber who has multiple offices within the same state, may use one DEA registration for all the offices if none of them store a controlled substance or if only one office stores a controlled substance. The address registered with DEA must be the location where the controlled substances are located.
- A prescriber who has multiple offices in different states must have a DEA registration for each state, even if he/she does not possess any controlled substance in any of the offices.

DEA on-line forms are available on the Internet at [www.deadiversion.usdoj.gov](http://www.deadiversion.usdoj.gov). Look for On-Line Forms. Federal rules and regulations are also available on this site.

### **Does an individual prescriber need to be licensed to dispense?**

The Ohio Revised Code does not require a separate license for prescribers to “dispense” drugs. Ohio law states that only a Registered Pharmacist may dispense dangerous drugs (4729.28 ORC). However, there is a law that exempts licensed health professionals authorized to prescribe drugs (or prescribers) from this law and allows them to “personally furnish” their patients with drugs within the scope of the prescriber’s professional practice (4729.29 ORC).

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