



JOHN R. KASICH
GOVERNOR
STATE OF OHIO

Executive Order 2014-04K

Emergency Amendment of Rule 4729-5-38 of the Ohio Administrative Code
by the Ohio State Board of Pharmacy

WHEREAS, mumps is a contagious disease that is caused by the mumps virus. Mumps typically starts with a few days of fever, headache, muscle aches, tiredness, and loss of appetite, and is followed by swelling of salivary glands. This disease can create short-term and/or long-term complications.

WHEREAS, the Ohio Department of Health is currently investigating a community outbreak of more than 400 probable and confirmed mumps cases in Athens, Belmont, Clark, Delaware, Fairfield, Franklin, Hamilton, Licking, Madison, Marion, Morrow, Muskingum, Pickaway, Ross, Union and Warren counties.

WHEREAS, measles is a highly contagious respiratory disease caused by the measles virus. Measles causes fever, runny nose, cough and a rash all over the body. Serious complications that may arise include ear infections, diarrhea, pneumonia, inflammation of the brain, and death.

WHEREAS, the Ohio Department of Health is currently investigating an outbreak of more than 230 probable and confirmed measles cases in Ashland, Coshocton, Holmes, Knox, Richland and Wayne counties. The Centers for Disease Control and Prevention (CDC) has confirmed that, nationwide, the current measles outbreak is the largest outbreak of this disease in the United States since 1994.

WHEREAS, the CDC states that the measles-mumps-rubella (MMR) vaccine is one of the best ways to prevent the measles and the mumps. The CDC also notes that the MMR vaccine has been in use for more than three decades in the U.S., and reports of serious adverse events following vaccination have been extremely rare.

WHEREAS, pharmacists are currently authorized under section 4729.41 of the Ohio Revised Code to provide immunizations for the following diseases to individuals 18 years and older pursuant to a protocol established by a physician and approved by the Ohio State Board of Pharmacy: Pneumonia, Tetanus, Hepatitis A, Hepatitis B, Meningitis, Diphtheria, Influenza and Pertussis. Additionally, section 4729.41(A)(1)(c) and (E)(1)(d) of the Ohio Revised Code authorizes the Board of Pharmacy to adopt a rule listing other immunizations that may be administered to individuals 18 years and older.

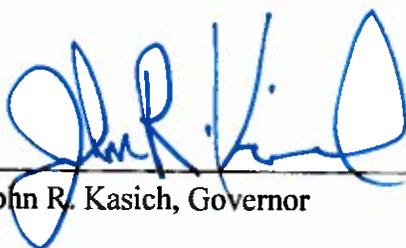
WHEREAS, the Ohio State Pharmacy Board has requested a determination whether an emergency exists that requires the adoption of amended Rule 4729-5-38 of the Ohio Administrative Code, pursuant to the authority granted the Ohio State Board of Pharmacy in Sections 4729.26 and 4729.41 of the Ohio Revised Code, to authorize a licensed pharmacist to administer the measles, mumps, and rubella (MMR) vaccine to individuals 18 years and older, in order to provide those adults who have not yet received this vaccination with additional locations to obtain the MMR vaccine.

NOW THEREFORE, I, John R. Kasich, Governor of the State of Ohio, have determined, upon the request of the Ohio State Board of Pharmacy, that an emergency exists requiring the immediate adoption of amended Rule 4729-5-38 of the Ohio Administrative Code by the Ohio State Board of Pharmacy. Further, I hereby order that the procedure prescribed by Section 119.03 of the Ohio Revised Code with respect to the adoption and amendment of such a specified rule be suspended and the Ohio State Board of Pharmacy be permitted to immediately adopt this amended rule by electronically filing it with the Secretary of State, Director of Legislative Services Commission, and the Joint Committee on Agency Rule Review.

Further, I hereby order that this Executive Order be filed in electronic form with the Ohio State Board of Pharmacy, the Secretary of State, the Director of the Legislative Services Commission, and the Joint Committee on Agency Rule Review.

I signed this Executive Order on June 9, 2014, in Westerville, Ohio, and it will expire at the end of the ninetieth day it is in effect.





John R. Kasich, Governor

ATTEST:

Jon Husted, Secretary of State