

Secretary of State
NOTICE OF PROPOSED RULEMAKING*
A Statement of Need and Fiscal Impact accompanies this form.

Board of Pharmacy

Agency and Division

855

Administrative Rules Chapter Number

Karen S. MacLean

Rules Coordinator

800 NE Oregon St #150, Portland, OR 97232

Address

971-673-0001

Telephone

RULE CAPTION

Adopt Health Professionals Service Program rules, clarify rule on electronic prescribing, amend continuing education requirements

RULEMAKING ACTION

ADOPT: 855-011-0005, 855-011-0020, 855-011-0030, 855-011-0040, 855-011-0050

AMEND: 855-021-0010, 855-041-0065

REPEAL: 855-011-0005T, 855-011-0020T, 855-011-0030T, 855-011-0040T, 855-011-0050T

ORS 689.205

Stat. Auth.

Other Authority

ORS 676.190, 689.151, 689.285, 689.515

Stats. Implemented

RULE SUMMARY

1. The Health Professional's Service Program is the impaired health professionals program established by the Oregon Health Authority pursuant to ORS 676.190. These rules provide a framework for the Board of Pharmacy's participation in the Program and establish a procedure for the Board to refer licensees to the program. The rules also specify a process for the Board to approve an independent evaluator and set requirements that must be met by participants. The rules replace the Temporary Rules effective from June 29, 2010.

2. The amendment to the Continuing Education rule deletes the requirement that 11 hours need to be in "therapeutics". The Board proposes adding a requirement that one hour be in the topic of Patient Safety or Medication Error Reduction.

3. ORS 689.515 was revised in 2009 to permit "no substitution" instructions to be electronic or in writing. This amendment to OAR 855-041-0065 brings regulations in line with statute.

Copies of the full text of proposed rules can be obtained from the Board's web site, www.pharmacy.state.or.us, or by calling the Board office (971) 673-0001.

A public rulemaking hearing may be requested in writing by 10 or more people, or by an association with 10 or more members, within 21 days following the publication of the Notice of Proposed Rulemaking in the *Oregon Bulletin* or 28 days from the date Notice was sent to people on the agency mailing list, whichever is later. If sufficient hearing requests are received, the notice of the date and time of the rulemaking hearing must be published in the *Oregon Bulletin* at least 14 days before the hearing.

The agency requests public comment on whether other options should be considered for achieving the rule's substantive goals while reducing the negative economic impact of the rule on business.



Signature

4:30 pm, November 30, 2010

Last Day for Public Comment

Last day to submit written comments to the Rules Coordinator

Comments may be sent to Karen.S.Maclean@state.or.us

Gary A. Schnabel RPh, RN.

Printed name

10/14/2010

Date

*The *Oregon Bulletin* is published on the 1st of each month and updates the rule text found in the Oregon Administrative Rules Compilation. Notice forms must be submitted to the Administrative Rules Unit, Oregon State Archives, 800 Summer Street NE, Salem, Oregon 97310 by 5:00 pm on the 15th day of the preceding month unless this deadline falls on a Saturday, Sunday or legal holiday when Notice forms are accepted until 5:00pm on the preceding workday.
ARC 923-2005

STATEMENT OF NEED AND FISCAL IMPACT

A Notice of Proposed Rulemaking Hearing or a Notice of Proposed Rulemaking accompanies this form.

Board of Pharmacy

Agency and Division

855

Administrative Rules Chapter Number

In the Matter of:

Rules for the Health Professionals Service Program and the practice of pharmacy.

Rule Caption: (Not more than 15 words that reasonably identifies the subject matter of the agency’s intended action.)

Adopt Health Professionals Service Program rules, clarify rule on electronic prescribing, amend continuing education requirements

Statutory Authority: ORS 689.205

Other Authority:

Stats. Implemented: ORS 676.190, 689.151, 689.285, 689.515

Need for the Rule(s):

1. The Impaired Health Professional Program established by the Oregon Health Authority pursuant to ORS 676.190 became effective on July 1, 2010. These rules provide authority and framework for the Board’s participation in the program and a process for the Board to refer licensees to the program. These rules replace existing temporary rules.
2. The Board believes that the changes to the rules for continuing education will give pharmacists more freedom to select topics that are appropriate for their professional practice, and will enhance their understanding of patient safety and medication error prevention.
3. The Board has not amended the Administrative Rule regarding “no substitution” instructions on a prescription since the statute was revised in 2009. This is causing some confusion with prescribers. This change aligns the OAR with statute.

Documents Relied Upon, and where they are available: None

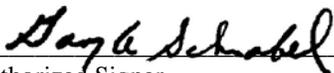
Fiscal and Economic Impact, including Statement of Cost of Compliance:

1. The permanent rules implementing the Impaired Health Professional Program do not create any additional costs to state agencies, units of local government or members of the public. Pharmacists who choose to participate in the program as voluntary referrals or to satisfy a disciplinary action, could incur costs up to (or even exceeding) \$12,000 over five years.
2. The rule change regarding “no substitution” and the change to Continuing Education requirements will not create any additional costs to state agencies, units of local government or members of the public.

How were small businesses involved in the development of this rule? Small businesses were not involved as they are not affected by any of these rule changes.

Administrative Rule Advisory Committee consulted? No

If not, why? Not considered necessary


Authorized Signer

Gary. A.Schnabel RPh, RN
Printed name

10/14/2010
Date