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NOTICE OF PROPOSED RULEMAKING
INCLUDING STATEMENT OF NEED & FISCAL IMPACT

CHAPTER 850
OREGON BOARD OF NATUROPATHIC MEDICINE

FILED

10/10/2022 4:03 PM
ARCHIVES DIVISION
SECRETARY OF STATE

FILING CAPTION: Amends formulary exclusion list regarding Ketamine and Buprenorphine.

LAST DAY AND TIME TO OFFER COMMENT TO AGENCY: 12/12/2022 1:00 PM

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

A public rulemaking hearing may be requested in writing by 10 or more people, or by a group 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 the 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.

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NEED FOR THE RULE(S)

Amends formulary exclusion list regarding Ketamine and Buprenorphine.

DOCUMENTS RELIED UPON, AND WHERE THEY ARE AVAILABLE

Formulary Council and Ketamine Sub-committee meeting minutes and materials on OBNM website.

STATEMENT IDENTIFYING HOW ADOPTION OF RULE(S) WILL AFFECT RACIAL EQUITY IN THIS STATE

May provide more lower cost treatment accessible to underserved communities.

FISCAL AND ECONOMIC IMPACT:

No fiscal or economic impact

COST OF COMPLIANCE:

(1) Identify any state agencies, units of local government, and members of the public likely to be economically affected by the rule(s). (2) Effect on Small Businesses: (a) Estimate the number and type of small businesses subject to the rule(s); (b) Describe the expected reporting, recordkeeping and administrative activities and cost required to comply with the rule(s); (c) Estimate the cost of professional services, equipment supplies, labor and increased administration required to comply with the rule(s).

No cost of compliance

DESCRIBE HOW SMALL BUSINESSES WERE INVOLVED IN THE DEVELOPMENT OF THESE RULE(S):

Small business were not involved or effected by the rule.

WAS AN ADMINISTRATIVE RULE ADVISORY COMMITTEE CONSULTED? NO IF NOT, WHY NOT?

The Formulary Council is the body responsible for amending the formulary and convened an expert subcommittee to develop the rule in public meetings.

AMEND: 850-060-0223

RULE SUMMARY: Amends formulary exclusion list regarding Ketamine and Buprenorphine.

CHANGES TO RULE:

850-060-0223

Formulary Compendium Exclusions

The Formulary Council has approved substances as listed by classification in 850-060-0226 for use by Naturopathic physicians in accordance with professional standards of care. ¶

(1) This authority does not supersede the education and training requirement established in 850-060-0212 for administration of IV agents or any other education and training required to prescribe, dispense, administer, or order all legend or controlled substances. ¶

(2) Additionally, the following substances may not be prescribed by licensees of this Board. ¶

(a) General anesthetics. ¶

(b) Injectable Ketamine. ¶

~~(c) for the purpose of general anesthesia. ¶~~

(c) Mifepristone and Misoprostol as an abortifacient. ¶

(d) Buprenorphine in any formulation for diagnosis for opioid use disorder. ¶

(e) Barbiturates; with the exception of the following: ¶

(A) Phenobarbital. ¶

(B) Butalbital. ¶

(C) Primidone. ¶

~~(d) Systemic oncology agents with the exception of the following antineoplastic agents, in oral and topical form only. ¶~~

(A) 5FU. ¶

(B) Anastrozole. ¶

(C) Letrozole. ¶

(D) Mechlorethamine. ¶

(E) Megestrol. ¶

(F) Mercaptopurine. ¶

(G) Methotrexate. ¶

(H) Tamoxifen. ¶

(I) Tretinoin. ¶

~~(e) Mifepristone and Misoprostol used as an abortifacient. ¶~~

~~(f) Any other substance not listed in 850-060-0226 classification or meeting prior approval of the Board.~~

Statutory/Other Authority: ORS 685.125

Statutes/Other Implemented: ORS 685.030