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PERMANENT ADMINISTRATIVE ORDER

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CHAPTER 847

OREGON MEDICAL BOARD

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FILING CAPTION: Removing DEA X-wavier requirement to align with U.S. Congress elimination of X-wavier.

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AMEND: 847-050-0041

RULE TITLE: Prescribing and Dispensing Privileges

NOTICE FILED DATE: 04/17/2023

RULE SUMMARY: On December 29, 2022, with the Consolidated Appropriations Act of 2023, U.S. Congress eliminated the "DATA-Waiver Program." To align with this change, the rule amendment removes the requirement for a physician assistant to obtain a buprenorphine waiver from the Drug Enforcement Administration (DEA) to prescribe or dispense buprenorphine for medication-assisted treatment for opioid dependency.

RULE TEXT:

- (1) A physician assistant registered prior to July 12, 1984, who does not possess the qualifications of OAR 847-050-0020 may retain all practice privileges which have been granted prior to July 12, 1984. Under these conditions, a physician assistant may issue written, electronic or oral prescriptions for Schedule III-V medications, which the supervising physician has determined the physician assistant is qualified to prescribe commensurate with the practice agreement or Board-approved practice description, if the physician assistant has passed a specialty examination approved by the Board prior to July 12, 1984, and the following conditions are met:
- (a) The physician assistant has passed the Physician Assistant National Certifying Examination (PANCE); and
- (b) The physician assistant has documented adequate education or experience in pharmacology commensurate with the practice agreement or Board-approved practice description.
- (2) A physician assistant may issue written, electronic, or oral prescriptions for Schedule III-V medications, based on the physician assistant's education, training, experience, and commensurate with the collaboration agreement, practice agreement, or Board-approved practice description, if the physician assistant has met the requirements of OAR 847-050-0020(1).
- (3) A physician assistant may issue written or electronic prescriptions or emergency oral prescriptions followed by a written authorization for Schedule II medications if the requirements in section (1) or (2) of this rule are fulfilled and if the physician assistant is currently certified by the National Commission for the Certification of Physician Assistants (NCCPA) and must complete all required continuing medical education coursework.
- (4) All prescriptions given whether written, electronic, or oral must include the name, office address, and telephone number of the physician assistant. The prescription must also bear the name of the patient and the date on which the

prescription was written, except as provided in OAR 847-015-0050 for expedited partner therapy for sexually transmitted disease. The physician assistant must sign the prescription and the signature must be followed by the letters "PA" Also the physician assistant's Federal Drug Enforcement Administration number must be shown on prescriptions for controlled substances.

(5) A physician assistant may register with the Board to dispense drugs commensurate with the collaboration agreement, practice agreement, or Board-approved practice description and the physician assistant's prescriptive authority.

(a) If the facility where the physician assistant will dispense medications serves population groups federally designated as underserved, geographic areas federally designated as health professional shortage areas or medically underserved areas, or areas designated as medically disadvantaged and in need of primary health care providers as designated by the State, the application must include:

- (A) Location of the practice site;
- (B) Accessibility to the nearest pharmacy; and
- (C) Medical necessity for dispensing.

(b) If the facility where the physician assistant will be dispensing medications is not in one of the designated areas or populations described in subsection (5)(a) of this rule, the physician assistant may not dispense Schedule I through II controlled substances.

(6) A physician assistant with dispensing authority must:

- (a) Dispense medications personally, except that nonjudgmental dispensing functions may be delegated to staff assistants when the accuracy and completeness of the prescription is verified by the physician assistant;
 - (b) Maintain records of the receipt and distribution of prescription drugs and the records must be readily accessible for inspection by the Board upon request;
 - (c) Dispense only medications that are pre-packaged by a licensed pharmacist, manufacturing drug outlet or wholesale drug outlet authorized to do so under ORS 689;
 - (d) Label dispensed prescription drugs in compliance with the requirements of ORS 677.089(3);
 - (e) Dispense prescription drugs in containers complying with the federal Poison Prevention Packaging Act unless the patient requests a noncomplying container; and
 - (f) Register with the Drug Enforcement Administration and maintain a controlled substances log as required in OAR 847-015-0015.
- (7) Distribution of samples, without charge, is not dispensing under this rule. Administering drugs in the facility is not dispensing under this rule. Distribution of samples and administration of drugs must be documented in the patient record. Documentation must include the name of the drug, the dose, the quantity distributed or administered, and the directions for use if applicable.

(8) Failure to comply with any subsection of this rule is a violation of the ORS Chapter 677 and is grounds for a \$195 fine. The licensee may be subject to further disciplinary action by the Board.

STATUTORY/OTHER AUTHORITY: ORS 677.265, ORS 677.511

STATUTES/OTHER IMPLEMENTED: ORS 677.190, ORS 677.205, ORS 677.265, ORS 677.470, ORS 677.511, ORS 677.515, ORS 677.545