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NOTICE OF PROPOSED RULEMAKING
INCLUDING STATEMENT OF NEED & FISCAL IMPACT

CHAPTER 855
BOARD OF PHARMACY

FILED

04/16/2021 2:25 PM
ARCHIVES DIVISION
SECRETARY OF STATE

FILING CAPTION: 2019 HB 2011 directs licensees when renewing to obtain cultural competency CE

LAST DAY AND TIME TO OFFER COMMENT TO AGENCY: 05/26/2021 4:30 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.

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800 NE Oregon St., Suite 150
Portland, OR 97232

Filed By:
Rachel Melvin
Rules Coordinator

HEARING(S)

Auxiliary aids for persons with disabilities are available upon advance request. Notify the contact listed above.

DATE: 05/26/2021

TIME: 9:30 AM

OFFICER: Rachel Melvin

ADDRESS: Oregon Board of Pharmacy
800 NE Oregon St., Suite 150
Portland, OR 97232

SPECIAL INSTRUCTIONS:

This hearing meeting will be held via telephonic conference call. To participate, call 1-877-873-8017, participant code 139360#. Email written comment to pharmacy.rulemaking@oregon.gov by 4:30PM on 5/26/2021. Oral comment can be offered at the hearing on the date and time listed above.

NEED FOR THE RULE(S):

Revisions to Divisions 019,021,025 and 031 are necessary to incorporate continuing education requirement directives set forth in 2019 HB 2011, related to cultural competency.

DOCUMENTS RELIED UPON, AND WHERE THEY ARE AVAILABLE:

OHA Cultural Competence Continuing Education <https://www.oregon.gov/oha/OEI/Pages/CCCE.aspx>, 2019 HB 2011 <https://olis.leg.state.or.us/liz/2019R1/Downloads/MeasureDocument/HB2011/Enrolled>, ORS 676.850 https://www.oregonlegislature.gov/bills_laws/ors/ors676.html, ORS 413.450

FISCAL AND ECONOMIC IMPACT:

In Oregon, it is estimated that 8,896 pharmacists, 6,186 Certified Oregon Pharmacy Technicians, and 794 Interns will be impacted by these new requirements. The cultural competency CE could cost \$0-60 per renewal cycle depending on the CE course(s) completed.

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).

There are no known economic impacts to any state agencies, small businesses or members of the public. Pharmacists, Interns, and Certified Oregon Pharmacy Technicians, are required to retain documentation of completed continuing pharmacy education for 6 years and must provide the documentation if requested by the board.

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

Small businesses were not involved in the development of the proposed rules; revisions are legislatively required.

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

Revisions are legislatively required.

RULES PROPOSED:

855-019-0122, 855-019-0170, 855-019-0205, 855-019-0300, 855-021-0001, 855-021-0005, 855-021-0007, 855-021-0009, 855-021-0010, 855-021-0016, 855-021-0025, 855-021-0030, 855-021-0045, 855-021-0050, 855-021-0055, 855-025-0015, 855-025-0020, 855-025-0060, 855-031-0005, 855-031-0010, 855-031-0016, 855-031-0020

AMEND: 855-019-0122

RULE SUMMARY: Revisions to Division 019 are necessary to incorporate continuing education requirement directives set forth in 2019 HB 2011, related to cultural competency.

CHANGES TO RULE:

855-019-0122

Renewal of Licensure as a Pharmacist ¶¶

(1) An application for renewal of a pharmacist license must include documentation of:¶¶

(a) Completion of continuing pharmacy education requirements as ~~prescribed in chapter 855, division outlined in~~ OAR 855-021; and¶¶

(b) Payment of the biennial license fee as ~~prescribed~~ required in OAR 855-110.¶¶

(2) A pharmacist will be subject to an annual criminal background check.

Statutory/Other Authority: ORS 689.205

Statutes/Other Implemented: ORS 689.151

AMEND: 855-019-0170

RULE SUMMARY: Revisions to Division 019 are necessary to incorporate continuing education requirement directives set forth in 2019 HB 2011, related to cultural competency.

CHANGES TO RULE:

855-019-0170

Reinstatement of License ¶¶

(1) A pharmacist who fails to renew their license by the deadline may reinstate their license as follows:¶¶

(a) By payment of the license fees and delinquency fees for all years during which the license was lapsed and for the current year; and¶¶

(b) By providing certification of completion of the continuing pharmacy education requirement in OAR 855-021 for all years in which the license was lapsed; and¶¶

(c) If their license has been lapsed for more than one year, pass the MPJE with a score of not less than 75; and¶¶

(d) Complete an application for licensure, provide the board with a valid e-mail address, and a fingerprint card or other documentation required to conduct a criminal background check.¶¶

(2) A pharmacist in good standing who retired from the practice of pharmacy after having been licensed for not less than 20 years need only pay the annual license fees for the year in which they seek a license, however they must provide certification of completion of continuing ~~education~~pharmacy education requirement in OAR 855-021 for all years since their retirement and pass the MPJE with a score of not less than 75.

Statutory/Other Authority: ORS 689.205

Statutes/Other Implemented: ORS 689.151, ORS 689.275

AMEND: 855-019-0205

RULE SUMMARY: The revisions are in alignment with the board's 2020-2024 Strategic Plan to proactively review & update rules to ensure clarity, transparency and promote patient safety.

CHANGES TO RULE:

855-019-0205

Duty to Report ¶

- (1) Failure to answer completely, accurately and honestly, all questions on the application form for licensure or renewal of licensure is grounds for discipline.¶
- (2) Failure to disclose any arrest for a felony or misdemeanor, or any indictment for a felony may result in denial of the application.¶
- (3) A pharmacist must report to the ~~B~~board within 10 days if they:¶
 - (a) Are convicted of a misdemeanor or a felony; or¶
 - (b) ~~If they a~~Are arrested for a felony.¶
- (4) A pharmacist who has reasonable cause to believe that another licensee (of the ~~B~~board or any other Health Professional Regulatory Board) has engaged in prohibited or unprofessional conduct as these terms are defined in OAR 855-006-0005, must report that conduct to the board responsible for the licensee who is believed to have engaged in the conduct. The reporting pharmacist ~~shall~~must report the conduct without undue delay, but in no event later than 10 working days after the pharmacist learns of the conduct unless federal laws relating to confidentiality or the protection of health information prohibit disclosure.¶
- (5) A pharmacist who reports to a board in good faith as required by section (4) of this rule is immune from civil liability for making the report.¶
- (6) A pharmacist who has reasonable grounds to believe that any violation of these rules has occurred, must notify the ~~B~~board within 10 days. However, in the event of a significant drug loss or violation related to drug theft, the pharmacist ~~shall~~must notify the ~~B~~board within one (1) business day.¶
- (7) A pharmacist must notify the ~~B~~board in writing, within 15 days, of any change in e-mail address, employment location or residence address.

Statutory/Other Authority: ORS 689.205

Statutes/Other Implemented: ORS 689.151, ORS 689.155, ORS 689.455

AMEND: 855-019-0300

RULE SUMMARY: The revisions are in alignment with the board's 2020-2024 Strategic Plan to proactively review & update rules to ensure clarity, transparency and promote patient safety.

CHANGES TO RULE:

855-019-0300

Duties of a Pharmacist-in-Charge ¶

- (1) In accordance with Division 41 of this chapter of rules, a pharmacy must, at all times have one Pharmacist-in-Charge (PIC) employed on a regular basis.¶
- (2) In order to be a PIC, a pharmacist must have:¶
 - (a) Completed at least one year of pharmacy practice; or¶
 - (b) Completed a Bboard approved PIC training course either before the appointment or within 30 days after the appointment. With the approval of the Bboard, this course may be employer provided and may qualify for continuing education credit.¶
- (3) A pharmacist may not be designated PIC of more than two pharmacies without prior written approval by the Bboard. If such approval is given, the pharmacist must comply with the requirements in sub-section (4)(e) of this rule.¶
- (4) The PIC must perform the following the duties and responsibilities:¶
 - (a) When a change of PIC occurs, both outgoing and incoming PICs must report the change to the Bboard within 15 days of the occurrence, on a form provided by the Bboard;¶
 - (b) The new PIC must complete an inspection on the PIC Annual Self-Inspection Form, within 15 days of becoming PIC;¶
 - (c) The PIC may not authorize non-pharmacist employees to have unsupervised access to the pharmacy, except in the case of hospitals that do not have a 24-hour pharmacy where access may be granted as specified in OAR 855-041-0120;¶
 - (d) In a hospital only, the PIC is responsible for providing education and training to the nurse supervisor who has been designated to have access to the pharmacy department in the absence of a pharmacist;¶
 - (e) A pharmacist designated as PIC for more than one pharmacy ~~shall~~must personally conduct and document a quarterly compliance audit at each location. This audit ~~shall~~must be on the Quarterly PIC Compliance Audit Form provided by the Bboard;¶
 - (f) If a discrepancy is noted on a Bboard inspection, the PIC must submit a plan of correction within 30 days of receiving notice.¶
 - (g) The records and forms required by this section must be filed in the pharmacy, made available to the Bboard for inspection upon request, and must be retained for three years.¶
- (5) The PIC is responsible for ensuring that the following activities are correctly completed:¶
 - (a) An inventory of all controlled substances must be taken within 15 days before or after the effective date of change of PIC, and must be dated and signed by the new PIC. This inventory must be maintained in the pharmacy for three years and in accordance with all federal laws and regulations;¶
 - (b) Verifying, on employment and as appropriate, but not less than annually, the licensure of all pharmacy personnel who are required to be licensed by the Bboard;¶
 - (c) Conducting an annual inspection of the pharmacy using the PIC Annual Self-Inspection Form provided by the Bboard, by February 1 each year. The completed self-inspection forms must be signed and dated by the PIC and maintained for three years from the date of completion;¶
 - (d) Conducting an annual inventory of all controlled drugs as required by OAR 855-080;¶
 - (e) Performing a quarterly inventory reconciliation of all Schedule II controlled drugs.¶
 - (f) Ensuring that all pharmacy staff have been trained appropriately for the practice site. Such training should include an annual review of the PIC Self-Inspection Report;¶
 - (g) Implementing a quality assurance plan for the pharmacy.¶

(h) The records and forms required by this section must be filed in the pharmacy, made available to the Board for inspection upon request, and must be retained for three years.¶

(6) The PIC, along with other licensed pharmacy personnel, must ensure that the pharmacy is in compliance with all state and federal laws and rules governing the practice of pharmacy and that all controlled substance records and inventories are maintained in accordance with all state and federal laws and rules.

Statutory/Other Authority: ORS 689.205

Statutes/Other Implemented: ORS 689.151, ORS 689.155

ADOPT: 855-021-0001

RULE SUMMARY: Revisions to Division 021 are necessary to incorporate continuing education requirement directives set forth in 2019 HB 2011, related to cultural competency.

CHANGES TO RULE:

855-021-0001

Definitions

(1) "Continuing Pharmacy Education" or "CPE" means classes of post graduate studies, informal study group participation, institutes, seminars, lectures, conferences, workshops, extension study, correspondence courses, teaching, planned and professional meetings, self-study courses, cassette or audio visual tape/slides or materials, and other self-instruction units applicable to the practice of pharmacy.¶

(2) "Contact hour" means fifty minutes of continuing pharmacy education.¶

(3) "Patient safety" means systems, procedures and processes that ensure that the correct patient receives the correct drug in the correct dose and is counseled appropriately. ¶

(4) "Medication error prevention" means systems, procedures and processes to prevent and avoid adverse events and to ensure that the correct patient receives the correct drug in the correct dose. ¶

(5) "Pain management education program" means a specific one-hour web-based program developed by the Oregon Pain Commission, in addition to six accredited hours of continuing education in pain management, end of life care or a combination of both.¶

(6) "Cultural competence" means the lifelong process of examining the values and beliefs and developing and applying an inclusive approach to health care practice in a manner that recognizes the content and complexities of provider-patient communication and interaction and preserves the dignity of individuals, families, and communities.¶

(a) Cultural competence applies to all patients.¶

(b) Culturally competent providers do not make assumptions on the basis of an individual's actual or perceived abilities, disabilities or traits whether inherent, genetic or developmental including: race, color, spiritual beliefs, creed, age, tribal affiliation, national origin, immigration or refugee status, marital status, socio-economic status, veteran's status, sexual orientation, gender identity, gender expression, gender transition status, level of formal education, physical or mental disability, medical condition or any consideration recognized under federal, state and local law.

Statutory/Other Authority: ORS 689.205, ORS 676.850

Statutes/Other Implemented: ORS 689.285, ORS 689.486, ORS 413.450, ORS 413.590

AMEND: 855-021-0005

RULE SUMMARY: Revisions to Division 021 are necessary to incorporate continuing education requirement directives set forth in 2019 HB 2011, related to cultural competency.

CHANGES TO RULE:

855-021-0005

Continuing Pharmacy Education Required for Pharmacist License Renewal ¶

(1) During the period from July 1 through June 30 of each biennial license renewal cycle, ~~each~~ a pharmacist must have satisfactorily completed ~~three (3) continuing pharmacy education units (CEU's) in an approved continuing pharmacy education program prior to submission of the licens~~30 hours of continuing pharmacy education. These hours must include:¶

(a) Two hours of continuing pharmacy education in pharmacy law; ¶

(b) Two hours of continuing pharmacy education in patient safety or medication error prevention; ¶

(c) Two hours of continuing pharmacy education in cultural competency either approved by the Oregon Health Authority under ORS 413.450 or any cultural competency CPE; and ¶

(d) Twenty-four additional hours of continuing pharmacy education. ¶

(2) Prior to the second license renewal, a pharmacist licensed under these rules must complete seven hours of continuing education in pain management as detailed in the following sub-sections. ¶

(a) A one-hour pain management course, specific to Oregon, provided by the Pain Management Commission of the Oregon Health Authority; and ¶

(b) A minimum of six hours of continuing education in pain management. This requirement may be fulfilled by any combination of continuing education coursework focusing on pain management including but not limited to the treatment of terminally ill and dying patients, and those with chronic, non-malignant pain. ¶

(c) The pain management continuing education required under this rule may count towards the required 30 continuing pharmacy education contact hours. ¶

~~(2)~~ Section (1) does not apply to pharmacists applying for the first renewal of their license if they have not been licensed by the Board for at least one year prior to July 1 of the renewal period. ¶

(4) A pharmacist must retain documentation of completed continuing pharmacy education for six years and must provide this documentation if requested by the board. ¶

(5) Continuing pharmacy education credit accumulated in excess of the required 30 contact hours for biennial license renewal cannot be carried forward.

Statutory/Other Authority: ORS 689.205, ORS 676.850

Statutes/Other Implemented: ORS 689.285, ORS 413.450, ORS 413.590

ADOPT: 855-021-0007

RULE SUMMARY: Revisions to Division 021 are necessary to incorporate continuing education requirement directives set forth in 2019 HB 2011, related to cultural competency.

CHANGES TO RULE:

855-021-0007

Continuing Pharmacy Education Required for Intern License Renewal

(1) During each license renewal cycle, an intern must have satisfactorily completed 2 contact hours of approved continuing pharmacy education in cultural competency either approved by the Oregon Health Authority under ORS 413.450 or any cultural competency CPE; and ¶

(2) An intern must retain documentation of completed continuing pharmacy education for six years and must provide this documentation if requested by the board.

Statutory/Other Authority: ORS 689.205

Statutes/Other Implemented: ORS 689.285, ORS 676.850, ORS 413.450, ORS 689.151

ADOPT: 855-021-0009

RULE SUMMARY: Revisions to Division 021 are necessary to incorporate continuing education requirement directives set forth in 2019 HB 2011, related to cultural competency.

CHANGES TO RULE:

855-021-0009

Continuing Pharmacy Education Required for Certified Oregon Pharmacy Technician License Renewal

(1) During the period from July 1 through June 30 of each biennial license renewal cycle, a Certified Oregon Pharmacy Technician must have satisfactorily completed 20 contact hours of continuing pharmacy education. These hours must include: ¶

(a) Two hours of continuing pharmacy education in pharmacy law; ¶

(b) Two hours of continuing pharmacy education in patient safety or medication error prevention; ¶

(c) Two hours of continuing pharmacy education in cultural competency either approved by the Oregon Health Authority under ORS 413.450 or any cultural competency CPE; and ¶

(d) Fourteen additional hours of continuing pharmacy education or documented onsite training approved by the board. ¶

(2) Section (1) does not apply to a Certified Oregon Pharmacy Technician applying for the first renewal of their license if they have not been licensed by the board for at least one year prior to July 1 of the renewal period. ¶

(3) A Certified Oregon Pharmacy Technician must retain documentation of completed continuing pharmacy education for six years and must provide this documentation if requested by the board. ¶

(4) Continuing pharmacy education credit accumulated in excess of the required 20 contact hours for biennial license renewal cannot be carried forward.

Statutory/Other Authority: ORS 689.205

Statutes/Other Implemented: ORS 689.285, ORS 689.486, ORS 413.450, ORS 676.850

AMEND: 855-021-0010

RULE SUMMARY: Revisions to Division 021 are necessary to incorporate continuing education requirement directives set forth in 2019 HB 2011, related to cultural competency.

CHANGES TO RULE:

855-021-0010

Continuing Pharmacy Education Programs ¶¶

(1) In this rule the terms below have the meanings given:¶¶

(a) "Patient Safety" means procedures and processes that ensure that the correct patient receives the correct drug in the correct dose, and is counseled appropriately.¶¶

(b) "Medication error prevention" means procedures and processes to prevent and avoid adverse events and to ensure that the correct patient receives the correct drug in the correct dose.¶¶

(2) A continuing pharmacy education program means classes of post graduate studies, informal study group participation, institutes, seminars, lectures, conferences, workshops, extension study, correspondence courses, teaching, planned and professional meetings, self study courses, cassette or audio visual tape/slides or materials, and other self instruction units:¶¶

(a) A program shall consist of therapeutics, or pharmacy and drug law or other aspects of health care. A minimum of at least two hours of continuing education credit must be earned in the area of pharmacy and drug law. A minimum of two hours of continuing education credit must be earned in the area of patient safety or medication error prevention. A continuing pharmacy education program must consist of therapeutics, or pharmacy and drug law or other aspects of health care applicable to the practice of pharmacy.¶¶

(b) Programs shall must provide for examinations or other methods of evaluation to assure satisfactory completion by participants.¶¶

(c) The person or persons who are to instruct or who are responsible for the delivery or content of the program shall must be qualified in the subject matter by education and experience.¶¶

(3) Continuing pharmacy education programs shall must be approved by the Board of Pharmacy. Application for approval shall must be made on and in accordance with forms established by the Board. The forms shall must require information relating to:¶¶

(a) Name of provider or sponsor;¶¶

(b) Type of program offered;¶¶

(c) Description of subject matter;¶¶

(d) Number of contact hours offered;¶¶

(e) Total number of contact hours in therapeutics or pharmacy and drug law or other aspects of health care. applicable to the practice of pharmacy;¶¶

(f) Method of determining satisfactory completion of program;¶¶

(g) Dates and location of program;¶¶

(h) Name and qualification of instructors or other persons responsible for the delivery or content of the program.¶¶

(4) CE programs are not required to carry approval of American Council on Pharmaceutical Education (ACPE). Programs presented by providers approved by the American Council on Pharmacy Education (ACPE) are generally accepted, however, the Board reserves the right to determine the number of hours allowed or to disapprove such programs accepted.¶¶

(5) Providers shall must provide attendees with proof of attendance that shows the date and number of contact hours provided. Providers must maintain attendance lists for three years.¶¶

(6) Continuing pharmacy education credit accumulated in excess of the required 30 contact hours for biennial license renewal cannot be carried forward six years.¶¶

(7) A maximum of 210 contact hours (2.0 CEU) may be earned in any licensing cycle by preparing and presenting CE programs. Pharmacists and Certified Oregon Pharmacy Technicians presenting CE programs may earn one contact hour (0.1 CEU) for preparation time of one hour or more, plus credit for the actual contact hour time of the

presentation. A pharmacist or Certified Oregon Pharmacy Technician must show content of the course, and a description of the intended audience (e.g., pharmacists, technicians, physicians, nurses). Public service programs, such as presentations to school children or service clubs, are not eligible for continuing education credit.¶

(8) Pharmacists or Certified Oregon Pharmacy Technicians taking post graduate studies applicable to graduate or professional degrees may submit the course syllabus and evidence of satisfactory completion of the course for continuing education credit approval by the Bboard.¶

(9) The Bboard may approve up to 26 contact hours of CE credit for pharmacists who have successfully completed nationally certified Disease State Management courses.¶

(10) Board members or staff may attend CE programs for the purpose of evaluating content, format and appropriateness of material for Continuing Pharmacy Education credit. Subsequent programs by CE providers whose current programs are deemed deficient by on-site evaluation may be required to obtain prior approval by the Bboard. The Bboard will provide feedback to CE providers regarding evaluated CE presentations.

Statutory/Other Authority: ORS 689.205

Statutes/Other Implemented: ORS 689.285

REPEAL: 855-021-0016

RULE SUMMARY: Revisions to Division 021 are necessary to incorporate continuing education requirement directives set forth in 2019 HB 2011, related to cultural competency.

CHANGES TO RULE:

~~855-021-0016~~

~~Continuing Education in Pain Management~~

~~(1) A pharmacist licensed under these rules must complete seven hours of continuing education in pain management as detailed in the following sub-sections. This is a one-time requirement.¶¶~~

~~(a) A one-hour pain management course, specific to Oregon, provided by the Pain Management Commission of the Oregon Health Authority; and¶¶~~

~~(b) A minimum of six hours of continuing education in pain management. This requirement may be fulfilled by any combination of continuing education coursework focusing on pain management including but not limited to the treatment of terminally ill and dying patients, and those with chronic, non-malignant pain.¶¶~~

~~(2) A pharmacist must complete the required continuing education within 24 months of their first license renewal.¶¶~~

~~(3) A pharmacist must retain for three years, documentation showing they have met the requirement of this rule, and must provide this documentation if requested by the Board.¶¶~~

~~(4) The pain management continuing education required under this rule shall count towards the 3.0 continuing pharmacy education units required under OAR 855-021-0005, in the license cycle in which the pain management continuing education is completed.~~

~~Statutory/Other Authority: ORS 689.205~~

~~Statutes/Other Implemented: ORS 689.285, 409.560, 409.565~~

REPEAL: 855-021-0025

RULE SUMMARY: Revisions to Division 021 are necessary to incorporate continuing education requirement directives set forth in 2019 HB 2011, related to cultural competency.

CHANGES TO RULE:

~~855-021-0025~~

~~Continuing Pharmacy Education—Reciprocity~~

~~A pharmacist reciprocating into Oregon will not be required to submit proof of continuing pharmacy education during the initial license cycle.~~

~~Statutory/Other Authority: ORS 689.285~~

~~Statutes/Other Implemented: ORS 689.205~~

REPEAL: 855-021-0030

RULE SUMMARY: Revisions to Division 021 are necessary to incorporate continuing education requirement directives set forth in 2019 HB 2011, related to cultural competency.

CHANGES TO RULE:

~~855-021-0030~~

~~Continuing Pharmacy Education – Non-Resident – Dual Licensees~~

~~(1) Any Oregon licensed pharmacist residing in another state shall, in order to receive Oregon license renewal, meet Oregon requirements for continuing pharmacy education.¶~~

~~(2) The Board shall accept for CE credit programs for out of state pharmacists that have been approved by that state's Board of Pharmacy.¶~~

~~(3) Upon request, the Board may certify to another state's licensing authority the status of a licensee's continuing education participation in Oregon.¶~~

~~(4) The Board may request certification from another state's licensing authority regarding the status of an applicant's continuing education.~~

~~Statutory/Other Authority: ORS 435, 475, 689~~

~~Statutes/Other Implemented: ORS 689.205~~

AMEND: 855-021-0045

RULE SUMMARY: Revisions to Division 021 are necessary to incorporate continuing education requirement directives set forth in 2019 HB 2011, related to cultural competency.

CHANGES TO RULE:

855-021-0045

Notification of ~~A~~Biennial License Renewal ~~I~~

~~(1) The B~~board will develop an appropriate~~send a~~ biennial renewal notice to be issued to all licensed pharmacists prior to May 1 of each odd numbered year.~~¶~~

~~(2) The notice will state the biennial pharmacist license fee and the continuing pharmacy education fee due for license renewal.~~~~¶~~

~~(3) The notice will include the, interns, and Certified Oregon Pharmacy Technicians at least 60 days prior to the license expiration date that states the biennial license fee, continuing pharmacy education time requirements and any other information considered pertinent for the licensee's understanding of the renewal requirements necessary for renewal.~~

Statutory/Other Authority: ORS 689.205

Statutes/Other Implemented: ORS 689.275, ORS 689.486

AMEND: 855-021-0050

RULE SUMMARY: Revisions to Division 021 are necessary to incorporate continuing education requirement directives set forth in 2019 HB 2011, related to cultural competency.

CHANGES TO RULE:

855-021-0050

Renewal Application-Continuing Pharmacy Education Audits

(1) The biennial renewal application must be submitted to the Board with the appropriate fee and the pharmacist licensee must attest that the/she/they has/ve satisfactorily completed the continuing pharmacy education requirements. ¶

(2) The Board may randomly select and audit applications for renewal to verify completion of the CE program continuing pharmacy education by pharmacists, interns and Certified Oregon Pharmacy Technicians or documented on-site training by Certified Oregon Pharmacy Technicians reported on the application for renewal. ¶

(a) Pharmacists whose applications for renewal are selected for audit must provide documentation of completion of the CE continuing pharmacy education programs reported. A pharmacist who fails to provide the requested documentation to the Board or who fails to complete the biennial CE requirement may be disciplined for unprofessional conduct continuing pharmacy education requirement may be disciplined for unprofessional conduct. ¶

(b) Interns whose applications for renewal are selected for audit must provide documentation of completion of the cultural competency continuing pharmacy education. An intern who fails to provide the requested documentation to the board or who fails to complete the biennial continuing education requirement may be disciplined for unprofessional conduct. ¶

(c) Certified Oregon Pharmacy Technicians whose applications for renewal are selected for audit must provide documentation of completion of the continuing pharmacy education or documented onsite training reported. A Certified Oregon Pharmacy Technician who fails to provide the requested documentation to the board or who fails to complete the biennial continuing education requirement may be disciplined for unprofessional conduct. ¶

(3) The board may utilize the National Association of Boards of Pharmacy CPE Monitor service when auditing licensees.

Statutory/Other Authority: ORS 689.205

Statutes/Other Implemented: ORS 689.275

REPEAL: 855-021-0055

RULE SUMMARY: Revisions to Division 021 are necessary to incorporate continuing education requirement directives set forth in 2019 HB 2011, related to cultural competency.

CHANGES TO RULE:

~~855-021-0055~~

~~Reinstatement~~

~~(1) Any person petitioning for reinstatement of a pharmacist license as provided within ORS 689.445 shall produce certification of the continuing education requirements of all years in which the license has been inactive prior to restoration of the license.¶~~

~~(2) Retired pharmacists who wish to reinstate their license should refer to OAR 855-019-0170(2).~~

~~Statutory/Other Authority: ORS 689.205~~

~~Statutes/Other Implemented: ORS 689.445~~

AMEND: 855-025-0015

RULE SUMMARY: Revisions to Division 025 are necessary to incorporate continuing education requirement directives set forth in 2019 HB 2011, related to cultural competency.

CHANGES TO RULE:

855-025-0015

Renewal of Licensure as a Certified Oregon Pharmacy Technician ¶

(1) A person who has taken and passed a national pharmacy technician certification examination listed in OAR 855-025-0012(1)(a)-(b) may use the following title, and is referred to in these rules as, and is licensed as a "Certified Oregon Pharmacy Technician." ¶

(2) An applicant for renewal of a Certified Oregon Pharmacy Technician license must: ¶

(a) Pay the biennial license fee prescribed in OAR 855-110. ¶

(b) Satisfactorily complete a minimum of 20 continuing pharmacy educating hours during the period from July 1 through June 30, of each license renewal cycle. These hours must include: ¶

(A) Two hours of continuing pharmacy education in pharmacy law; ¶

(B) Two hours of continuing pharmacy education in patient safety or error prevention; and ¶

(C) Sixteen other hours of continuing pharmacy education or documented onsite training approved by the Board. ¶

(c) OAR 855-025-0015(2)(b) does not apply to a Certified Oregon Pharmacy Technician applying for the first renewal of their license, if they have not been licensed by the Board for at least one year prior to July 1 of the renewal period. Complete continuing pharmacy education requirements as directed in OAR 855-021; ¶

(d) Be subject to an annual criminal background check. ¶

(3) The Board may randomly select and audit applications for renewal to verify completion of continuing education or documented onsite training reported on the application for renewal. A Certified Oregon Pharmacy Technician whose application for renewal is selected for audit must provide documentation of completion of the continuing pharmacy education reported. ¶

(4) Effective January 1, 2015, Continued national certification is not required to renew a license as a Certified Oregon Pharmacy Technician. ¶

(5) A Certified Oregon Pharmacy Technician who fails to renew his or her license by the expiration date and whose license has been lapsed for less than one year may renew his or her license as follows: ¶

(a) Complete the renewal process; ¶

(b) Pay the biennial license fee as prescribed in OAR 855-110; ¶

(c) Pay a delinquent late fee; and ¶

(d) Complete the required continuing pharmacy education pursuant to OAR 855-025-0015(2)(b)1.

Statutory/Other Authority: ORS 689.205

Statutes/Other Implemented: ORS 689.225, ORS 689.486

AMEND: 855-025-0020

RULE SUMMARY: The revisions to Division 025 are in alignment with the board's 2020-2024 Strategic Plan to proactively review & update rules to ensure clarity, transparency and promote patient safety.

CHANGES TO RULE:

855-025-0020

Recordkeeping Responsibilities of Pharmacy Technicians and Certified Oregon Pharmacy Technicians Duty to Report ¶

- (1) Failure to answer completely, accurately and honestly, all questions on the application form for licensure or renewal of licensure is grounds for discipline.¶
- (2) Failure to disclose any arrest for a felony or misdemeanor, or any indictment for a felony may result in denial of the application.¶
- (3) A Pharmacy Technician or Certified Oregon Pharmacy Technician must report to the Bboard within 10 days if they:¶
 - (a) Are convicted of a misdemeanor or a felony; or¶
 - (b) ~~If they a~~Are arrested for a felony.¶
- (4) A Pharmacy Technician or Certified Oregon Pharmacy Technician who has reasonable cause to believe that another licensee (of the Bboard or any other Health Professional Regulatory Board) has engaged in prohibited or unprofessional conduct as these terms are defined in OAR 855-006-0005, must report that conduct to the board responsible for the licensee who is believed to have engaged in the conduct. The reporting Pharmacy Technician or Certified Oregon Pharmacy Technician ~~shall~~must report the conduct without undue delay, but in no event later than 10 working days after the reporting Pharmacy Technician or Certified Oregon Pharmacy Technician learns of the conduct unless federal laws relating to confidentiality or the protection of health information prohibit disclosure.¶
- (5) A Pharmacy Technician or Certified Oregon Pharmacy Technician who reports to a Bboard in good faith as required by section (4) of this rule is immune from civil liability for making the report.¶
- (6) A Pharmacy Technician or Certified Oregon Pharmacy Technician who has reasonable grounds to believe that prescription drugs or records have been lost or stolen, or any violation of these rules has occurred, must notify the Bboard within 1 day.¶
- (7) A Pharmacy Technician or Certified Oregon Pharmacy Technician must notify the Bboard in writing, within 15 days, of any change in email address, employment location or residence address except that a Pharmacy Technician who is employed at more than one pharmacy need only report the name and address of the pharmacy at which the technician normally works the most hours.¶
- ~~(8) A Certified Oregon Pharmacy Technician must obtain certificates of completion that show the date and number of hours earned to document continuing pharmacy education credit earned and must keep the certificates of completion for three years from the date of the program.~~

Statutory/Other Authority: ORS 689.205

Statutes/Other Implemented: ORS 689.155, ~~Ch. 536 OL 2009~~ORS 689.486

AMEND: 855-025-0060

RULE SUMMARY: Revisions to Division 025 are necessary to incorporate continuing education requirement directives set forth in 2019 HB 2011, related to cultural competency.

CHANGES TO RULE:

855-025-0060

Reinstatement of a Certified Oregon Pharmacy Technician License ¶

(1) A Certified Oregon Pharmacy Technician who fails to renew their license by the deadline and whose license has been lapsed for greater than one year may reinstate their license as follows:¶

(a) Complete a new application for licensure and provide the Board with a valid e-mail address;¶

(b) Pay the biennial license fee as prescribed in OAR 855-110;¶

(c) Submit to a national fingerprint background check; and¶

(d) Provide certification of completion of 10 continuing education hours. These hours may not be counted toward renewal; and must include:¶

(A) One hour of continuing pharmacy education in pharmacy law;¶

(B) One hour of continuing pharmacy education in patient safety or error prevention; and¶

(C) ~~Eight~~ One hour of continuing pharmacy education in cultural competency either approved by the Oregon Health Authority under ORS 413.450 or any cultural competency CPE; and¶

(D) Seven other hours of pharmacy technician-specific continuing education.¶

(2) A Certified Oregon Pharmacy Technician whose license has been lapsed greater than five years must:¶

(a) Re-take and pass a national pharmacy technician certification examination offered by:¶

(A) The Pharmacy Technician Certification Board (PTCB); or¶

(B) National Healthcareer Association (NHA).¶

(b) Satisfy reinstatement requirements pursuant to OAR 855-025-0060(1).

Statutory/Other Authority: ORS 689.205

Statutes/Other Implemented: ORS 689.225, ORS 689.486

AMEND: 855-031-0005

RULE SUMMARY: The revisions to Division 031 are in alignment with the board's 2020-2024 Strategic Plan to proactively review & update rules to ensure clarity, transparency and promote patient safety.

CHANGES TO RULE:

855-031-0005

Definitions ¶¶

(1) An "intern" means any person who:¶¶

(a) Is enrolled in a course of study and is in good academic standing at a school or college of pharmacy that is approved by the Oregon Board of Pharmacy (~~B~~board); or¶¶

(b) Is a graduate of a school or college of pharmacy that is approved by the ~~B~~board; or¶¶

(c) Is a foreign pharmacy graduate and holds a certificate from the Foreign Pharmacy Graduate Equivalency Committee (FPGEC); and¶¶

(d) Is licensed with the ~~B~~board as an intern.¶¶

(2) A "preceptor" means a pharmacist or a person licensed by the ~~B~~board to supervise the internship training of an intern.¶¶

(3) "Internship" means a professional experiential program or work experience.¶¶

(a) "Traditional Pharmacy-practice Internship (TPI)" means experience toward achieving competency in the practice of pharmacy for which no academic credit is granted to the intern.¶¶

(b) "School-based Rotational Internship (SRI)" means experience toward achieving competency in the practice of pharmacy in programs developed and administered by a school of pharmacy.¶¶

(c) "Other Internship" means experience toward achieving competency in the practice of pharmacy, other than in an internship as defined in (a) or (b), in a program approved by a school of pharmacy or the ~~B~~board.¶¶

(4) "School of pharmacy": In this division of rules, "school of pharmacy" means a school or college of pharmacy that is approved by the ~~B~~board.

Statutory/Other Authority: ORS 689.151, ORS 689.205

Statutes/Other Implemented: ORS 689.255

AMEND: 855-031-0010

RULE SUMMARY: The revisions to Division 031 are in alignment with the board's 2020-2024 Strategic Plan to proactively review & update rules to ensure clarity, transparency and promote patient safety.

CHANGES TO RULE:

855-031-0010

Intern License Application ¶

- (1) Applications for licensure as an intern may be obtained from the ~~Board office or from the B~~board website. ¶
- (a) Failure to completely, accurately and honestly answer all questions on the application form for licensure or renewal of licensure is grounds for discipline; ¶
- (b) Failure to disclose any arrest for a felony or misdemeanor, or any indictment for a felony may result in denial of the application. ¶
- (2) The ~~B~~board may issue a license to a qualified intern after the receipt of: ¶
- (a) A completed application; ¶
- (b) Payment of the fee prescribed in OAR 855-110; ¶
- (c) A current, passport regulation size photograph (full front, head to shoulders); ¶
- (d) Furnish documentation required to conduct a national fingerprint-based background check; and ¶
- (e) Confirmation from a school of pharmacy that the applicant is enrolled in a course of study, except for foreign pharmacy graduates who must: ¶
- (A) Provide a copy of a valid visa permitting full-time employment; ¶
- (B) Provide a copy of the original certificate issued by the Foreign Pharmacy Graduate Equivalency Examination Committee; and ¶
- (C) Provide evidence that they have passed the Test of English as a Foreign Language (TOEFL) Internet-based Test (IBT). ¶
- (3) The ~~B~~board may issue an intern license after processing the application, however unless the applicant is a foreign graduate or an applicant for licensure by reciprocity, it is not valid until the intern has started a course of study. The initial license is valid until the last day of November following the second anniversary of issue unless terminated automatically by any one of the following events. Renewed licenses are valid for two years unless terminated automatically by any one of the following events: ¶
- (a) Licensure to practice pharmacy is granted in any state; or ¶
- (b) The licensee, other than a foreign pharmacy graduate or an applicant for licensure by reciprocity, fails to maintain enrollment or active registration in a pharmacy degree program for a period greater than one year; or ¶
- (c) The licensee, other than a foreign pharmacy graduate or an applicant for licensure by reciprocity, has been graduated from a school of pharmacy for 12 months; ¶
- (d) The intern is dismissed, terminated or expelled by the school of pharmacy, or withdraws from the program. ¶
- (4) An intern must surrender their license to the ~~B~~board within 30 days of one of the above events. ¶
- (5) Notwithstanding the requirements of section (3) above, upon written request the ~~B~~board may waive any of the requirements of this rule if a waiver will further public health and safety. A waiver granted under this section ~~shall~~ must only be effective when it is issued in writing. ¶

[Publications: Publications referenced are available from the agency.]

Statutory/Other Authority: ORS 689.151, ORS 689.205

Statutes/Other Implemented: ORS 689.207, ORS 689.255, ORS 689.455

ADOPT: 855-031-0016

RULE SUMMARY: Revisions to Division 031 are necessary to incorporate continuing education requirement directives set forth in 2019 HB 2011, related to cultural competency.

CHANGES TO RULE:

855-031-0016

Renewal of Licensure as an Intern

(1) An application for renewal of an intern license must include documentation of:

(a) Completion of continuing pharmacy education requirements as directed in OAR 855-021; and

(b) Payment of the license fee required in OAR 855-110.

(2) An intern will be subject to an annual criminal background check.

Statutory/Other Authority: ORS 689.205

Statutes/Other Implemented: ORS 689.151

AMEND: 855-031-0020

RULE SUMMARY: The revisions to Division 031 are in alignment with the board's 2020-2024 Strategic Plan to proactively review & update rules to ensure clarity, transparency and promote patient safety.

CHANGES TO RULE:

855-031-0020

Intern Requirements and Responsibilities ¶¶

(1) A licensed intern may practice in any one or a combination of the following approved internship experience areas:¶¶

(a) Traditional Pharmacy-practice Internship (TPI): an intern may not work in a TPI until after satisfactorily completing the first academic year in a school of pharmacy. An intern working in a TPI must be supervised by a licensed pharmacist or pharmacist preceptor;¶¶

(b) School-based Rotational Internship (SRI): an intern must be supervised by a licensed pharmacist or other person approved by a school of pharmacy to obtain credit for SRI hours;¶¶

(c) Other Internship.¶¶

(2) An intern may not work more than 48 hours per week in SRIs and must comply with all supervision and ratio requirements.¶¶

(3) An intern must verify that their preceptor is currently licensed with the Bboard.¶¶

(4) An intern may not work in the practice of pharmacy unless supervised by a licensed pharmacist, except when an intern is working in a federal facility, however, to obtain credit for SRI experience in a federal facility located in Oregon, the intern must be licensed with the Bboard.¶¶

(5) An intern who is working in a pharmacy or other place of business must conspicuously display their intern license in the pharmacy or place of business and must be clearly identified as an intern at all times.¶¶

(6) An intern may perform only the duties listed in Division 025 of this Chapter before completion of the first academic year in a school of pharmacy.¶¶

(7) An intern may, after successful completion of their first academic year, perform the duties of an intern listed in Division 019 of this Chapter, but only after successful completion of coursework corresponding to those duties at their school of pharmacy and only with the permission of their supervising pharmacist.¶¶

(8) An intern is responsible for his or her own actions and must comply with all Bboard regulations.¶¶

(9) An intern must notify the Bboard within 15 days of any change in their academic status that might affect their eligibility to work as an intern.¶¶

(10) An intern must notify the Bboard in writing within 15 days of a change in permanent residence and TPI site.¶¶

(11) An intern must report to the Bboard within 10 days if they are:¶¶

(a) Convicted of a misdemeanor or a felony; or¶¶

(b) Arrested for a felony.¶¶

(12) An intern who has reasonable cause to believe that another licensee (of the Bboard or any other Health Professional Regulatory Board) has engaged in prohibited or unprofessional conduct as these terms are defined in OAR 855-006-0005, must report that conduct to the board responsible for the licensee who is believed to have engaged in the conduct. The intern shall must report the conduct without undue delay, but in no event later than 10 working days after the intern learns of the conduct unless federal laws relating to confidentiality or the protection of health information prohibit disclosure.¶¶

(13) If needed by an intern for compliance with another Bboard's requirement, an intern must maintain written or electronic records that support the number of TPI hours claimed by an intern and have those hours certified by a preceptor.¶¶

(14) An intern may make a voluntary report to the Bboard on any preceptor's aptitude and professionalism in performing the duties of a preceptor. An intern must make such a report upon request by the Bboard.

Statutory/Other Authority: ORS 689.151, ORS 689.205

Statutes/Other Implemented: ORS 689.255, 2009 OL Ch. 536, ORS 689.455

