



PERMANENT ADMINISTRATIVE ORDER

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CHAPTER 855
BOARD OF PHARMACY

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FILING CAPTION: Required prescription accessibility services mandated by 2019 SB 698

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RULES:

855-041-1035, 855-041-1040, 855-041-1132

AMEND: 855-041-1035

NOTICE FILED DATE: 10/22/2020

RULE SUMMARY: Directive of 2019 SB 698, which requires accessibility services for limited English proficiency (LEP) patients. These rules are intended for all prescription drugs dispensed directly to patients, and requirements apply to pharmacies and dispensing drug outlets, including non-resident pharmacies.

CHANGES TO RULE:

855-041-1035

Minimum Equipment Requirements (Both Retail and Institutional Drug Outlets) ¶¶

The minimum equipment requirement to open and operate a retail drug outlet and institutional drug outlet in the state of Oregon shall consist of not less than the following:¶¶

- (1) The most current issue of at least one pharmaceutical reference with current, properly filed supplements and updates appropriate to and based on the standards of practice for the setting.¶¶
- (2) Current and properly filed Oregon Revised Statutes, Chapters 689, and 475; current and properly filed Oregon Administrative Rules, chapter 855; and a minimum of three years of the Board of Pharmacy quarterly newsletters maintained in house or other readily retrievable means.¶¶
- (3) Official Poison and Exempt Narcotic Register if poisons and exempt narcotics are sold or distributed.¶¶
- (4) Suitable refrigeration.¶¶
- (5) A sink with running hot and cold water.¶¶
- (6) Equipment and supplies appropriate to and based on the standards of practice for the setting as determined by the Pharmacy and Pharmacist-in-Charge.¶¶
- (7) Failure to have and use equipment necessary to your practice setting constitutes unprofessional conduct for purposes of ORS 689.405(1)(a).¶¶
- (8) If an outlet files original prescriptions electronically, then the outlet must have a computer and software capable of storing and accessing electronically filed original prescriptions. ~~Exceptions to the above list may be~~

approved by the Board of Pharmacy¶

(9) A pharmacy that dispenses prescriptions for a patient's self-administration must post signage to provide notification of the right to free, competent oral interpretation and translation services for patients who are of limited English proficiency, in compliance with federal and state regulations.

Statutory/Other Authority: ORS 689.205, ~~689.508~~

Statutes/Other Implemented: ORS 689.205, 508, ORS 689.508, 155

AMEND: 855-041-1040

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CHANGES TO RULE:

855-041-1040

Drug Outlet Procedures ¶¶

Each drug outlet is accountable for establishing, maintaining, and enforcing their written procedures for:¶¶

- (1) Securing their legend drugs and the area in which they are prepared, compounded, stored or repackaged;¶¶
- (2) Performing mandatory prospective drug utilization reviews; on all prescriptions both new and refilled;¶¶
- (3) Verifying the accuracy of all completed prescriptions and medical orders before they leave the pharmacy's secured legend area;¶¶
- (4) Documenting the identification of the pharmacist responsible for the verification of each dispensed medication;¶¶
- (5) Ensuring the delivery of each completed prescription to the correct party;¶¶
- (6) Providing appropriate confidential professional advice concerning medications to patients or their agents;¶¶
- (7) Prescribing services and maintenance of records for prescribing pharmacist;¶¶
- (8) Ensuring that all who work in the pharmacy are appropriately licensed and adequately trained to perform their duties ~~and~~;¶¶
- (9) Establishing and maintaining a Continuous Quality Assurance Program; ~~and~~¶¶
- (10) Providing oral interpretation and translation services for any patient who is of limited English proficiency, and prescription readers for a visually impaired patient as required by OAR 855-041-1131 and OAR 855-041-1132.

Statutory/Other Authority: ORS 689.205

Statutes/Other Implemented: ORS 689.151, ORS 689.155, ORS 689.508

ADOPT: 855-041-1132

NOTICE FILED DATE: 10/22/2020

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CHANGES TO RULE:

855-041-1132

Limited English Proficiency and Accessibility

(1) Upon request of a prescriber, patient or a patient's agent, each drug dispensed by a pharmacy for a patient's self-administration must bear a label in both English and the language requested for an individual with limited English proficiency, defined as a person who is not fluent in the English language. This does not apply to a drug outlet dispensing a drug intended for administration by a healthcare worker.

(2) When dispensing a drug under (1), a pharmacy must provide labels and informational inserts in both English and one of the following languages:

(a) Spanish;

(b) Russian;

(c) Somali;

(d) Arabic;

(e) Chinese (simplified);

(f) Vietnamese;

(g) Farsi;

(h) Korean;

(i) Romanian;

(j) Swahili;

(k) Burmese;

(l) Nepali;

(m) Amharic; and

(n) Pashtu.

(3) The board must reassess and update (2) as necessary and at least every ten years.

Statutory/Other Authority: ORS 689.564

Statutes/Other Implemented: ORS 689.205