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ARCHIVES DIVISION  
STEPHANIE CLARK  
DIRECTOR  
  
800 SUMMER STREET NE  
SALEM, OR 97310  
503-373-0701

**NOTICE OF PROPOSED RULEMAKING**  
INCLUDING STATEMENT OF NEED & FISCAL IMPACT

CHAPTER 855  
BOARD OF PHARMACY

**FILED**  
04/16/2021 3:42 PM  
ARCHIVES DIVISION  
SECRETARY OF STATE

FILING CAPTION: Implement amended late fee expiration dates for licensees and registrants

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.*

CONTACT: Rachel Melvin  
971-673-0001  
pharmacy.rulemaking@oregon.gov

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):

To align late fees for specific Oregon licensees and registrants to match the expiration date.

DOCUMENTS RELIED UPON, AND WHERE THEY ARE AVAILABLE:

None

FISCAL AND ECONOMIC IMPACT:

This rule amendment has a fiscal impact for specific Oregon licensees and registrants as well as the agency. This rule amendment could potentially result in a savings to licensees and registrants. The agency anticipates a potential revenue reduction of approximately \$90,000-\$95,000 biennially due to a decrease in late fees paid by licensees and registrants.

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**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).

The agency anticipates a potential revenue reduction of approximately \$90,000-\$95,000 biennially due to a decrease in late fees paid by licensees and registrants. Registrants and licensees could potentially see cost savings.

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

Small businesses were not involved in the development of proposed revisions to these rules.

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

A RAC was not necessary due to upgrading the agency licensing software which eliminated the need for manual processing of license/registration renewals. The late fees for specific license/registration types can be amended to match the expiration date.

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**RULES PROPOSED:**

855-110-0005, 855-110-0007

AMEND: 855-110-0005

RULE SUMMARY: Upgrading the agency licensing software eliminated the need for manual processing of license/registration renewals. The late fees for specific license/registration types can be amended to match the expiration date.

**CHANGES TO RULE:**

855-110-0005

Licensing Fees ¶¶

- (1) Pharmacist license examination (NAPLEX) and re-examination fee - \$50.¶¶
- (2) Pharmacist jurisprudence (MPJE) re-examination fee - \$25.¶¶
- (3) Pharmacist licensing by reciprocity fee - \$250. ¶¶
- (4) Pharmacist licensing by score transfer fee - \$250. ¶¶
- (5) Intern license fee. Expires November 30 every two years - \$100.¶¶
- (6) Pharmacist:¶¶
  - (a) Biennial license fee. Expires June 30 each odd numbered year. The biennial license fee is - \$250. ~~Delinquent~~ Late renewal fee (postmark received after ~~May~~ June 31) - \$50.¶¶
  - (b) Electronic Prescription Monitoring Fund fee. Due by June 30 biennially, - \$50. (This is a mandatory fee, required by ORS 431.972 that must be paid with the pharmacist license renewal fee.)¶¶
  - (c) Workforce Data Collection fee. Due by June 30 biennially - \$4. (This is a mandatory fee as required by OAR 409-026-0130 that must be paid with the Pharmacist license renewal fee.)¶¶
- (7) Certification of approved provider of continuing education course fee, none at this time.¶¶
- (8) Pharmacy Technician license fee - \$100.¶¶
- (9) Certified Oregon Pharmacy Technician:¶¶

(a) Biennial license fee. Expires June 30 each even numbered year - \$100. ~~Delinquent~~Late renewal fee (~~postmark received after May~~June 31) - \$20.†

(b) Workforce Data Collection fee. Due by June 30 biennially - \$4. (This is a mandatory fee as required by OAR 409-026-0130 that must be paid with the Certified Oregon Pharmacy Technician license renewal fee.)

Statutory/Other Authority: ORS 689.205, ORS 291.055, ORS 183.705

Statutes/Other Implemented: ORS 689.135, ~~431.972, 676.41~~ORS 676.410, ORS 431A.880

AMEND: 855-110-0007

RULE SUMMARY: Upgrading the agency licensing software eliminated the need for manual processing of license/registration renewals. The late fees for specific license/registration types can be amended to match the expiration date.

CHANGES TO RULE:

855-110-0007

Fees for Registration, Renewal, and Reinspection of Drug Outlets ¶

- (1) Community Health Clinic. Expires March 31 annually - \$100. ~~Delinquent~~Late renewal fee (~~postmark received after February 28~~March 31) - \$25. ¶
- (2) Drug Distribution Agent. Expires September 30 annually - \$400. ~~Delinquent~~Late renewal fee (~~postmark received after August~~September 31) - \$100. ¶
- (3) Drug Room (including correctional facility). Expires March 31 annually - \$100. ~~Delinquent~~Late renewal fee (~~postmark received after February 28~~March 31) - \$75. ¶
- (4) Manufacturers (including Manufacturer Class I, Manufacturer Class II and Manufacturer Class III). Expires September 30 annually - \$525. ~~Delinquent~~Late renewal fee (~~postmark received after August~~September 31) - \$100. ¶
- (5) Medical Device, Equipment & Gas Class C. Expires January 31 annually - \$75. ~~Delinquent~~Late renewal fee (~~postmark received after December~~January 31) - \$25. ¶
- (6) Nonprescription Class A. Expires January 31 annually - \$75. ~~Delinquent~~Late renewal fee (~~postmark received after December~~January 31) - \$25. ¶
- (7) Nonprescription Class B. Expires January 31 annually - \$75. ~~Delinquent~~Late renewal fee (~~postmark received after December~~January 31) - \$25. ¶
- (8) Nonprescription Class D. Expires January 31 annually - \$100. ~~Delinquent~~Late renewal fee (~~postmark received after December~~January 31) - \$25. ¶
- (9) Prophylactic and/or Contraceptive Wholesaler and/or Manufacturer - \$50. Expires December 31 annually. ¶
- (10) Re-inspection fee - \$100. Applies to any re-inspection of a drug outlet occasioned to verify corrections of violations found in an initial inspection. ¶
- (11) Retail, Institutional, or Consulting/"Drugless" Pharmacy Drug Outlet. Expires March 31 annually - \$225. ~~Delinquent~~Late renewal fee (~~postmark received after February 28~~March 31) - \$75. ¶
- (12) Wholesalers (including Wholesaler Class I, Wholesaler Class II and Wholesaler Class III). Expires September 30 annually - \$525. ~~Delinquent~~Late renewal fee (~~postmark received after August~~September 31) - \$100. ¶
- (13) Remote Dispensing Machine or Remote Distribution Facility. Expires March 31 annually - \$120. Due by ~~February 28~~March 31 annually. ¶
- (14) Charitable Pharmacy. Expires March 31 annually - \$75. ~~Delinquent~~Late renewal fee (~~postmark received after February 28~~March 31) - \$25. ¶
- (15) Home Dialysis. Expires March 31 annually - \$225. ~~Delinquent~~Late renewal fee (~~postmark received after February 28~~March 31) - \$75. ¶
- (16) Supervising Physician Dispensing Outlet. Expires March 31 annually - \$175. ~~Delinquent~~Late renewal fee (~~postmarked after February 28~~) - \$75. ¶
- (17) Dispensing Practitioner Drug Outlet. Expires March 31 annually - \$100. ~~Delinquent~~ renewal fee (~~postmarked after February 28~~received after March 31) - \$275.

Statutory/Other Authority: ORS 689.205, ORS 291.055

Statutes/Other Implemented: ORS 689.135, ORS 689.774, ORS 689.305