

OFFICE OF THE SECRETARY OF STATE

SHEMIA FAGAN
SECRETARY OF STATE

CHERYL MYERS
DEPUTY SECRETARY OF STATE



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

02/23/2022 2:58 PM
ARCHIVES DIVISION
SECRETARY OF STATE

FILING CAPTION: Amends Pharmacy Technician and Certified Oregon Pharmacy Technician Licensure Rules

LAST DAY AND TIME TO OFFER COMMENT TO AGENCY: 03/29/2022 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@bop.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: 03/29/2022

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 virtually via Microsoft Teams.

If you wish to present oral testimony during this hearing, sign up on our website at www.oregon.gov/pharmacy/pages/rulemaking-information or email your contact information to pharmacy.rulemaking@bop.oregon.gov to receive the link to join the virtual meeting. Please indicate which rule(s) you would like to comment on.

Alternatively, you may dial (503) 446-4951 Phone Conference ID: 414 724 81# for audio only.

You may file written comments before 4:30PM on March 29, 2022 by emailing your comments to pharmacy.rulemaking@bop.oregon.gov

NEED FOR THE RULE(S)

Clarifies licensure qualifications, elements of a complete application and renewal/reinstatement requirements for Pharmacy Technicians (PT) and Certified Oregon Pharmacy Technicians (COPT); Revises PT license fees; Allows PT to renew or reinstate their license; Adds CE requirements for PT.

DOCUMENTS RELIED UPON, AND WHERE THEY ARE AVAILABLE

Pharmacy Technician Certification Board CPhT certification renewal <https://www.ptcb.org/credentials/certified-pharmacy-technician#renew>

National Healthcareer Association- CPhT certification renewal [https://www.nhanow.com/pharmacy-technician-\(cph\)-renewal](https://www.nhanow.com/pharmacy-technician-(cph)-renewal)

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

The proposed rule may reduce barriers to licensure which would positively impact patients and technician applicants, in both urban and rural communities. Pharmacies are currently facing staffing issues due to the ongoing public health emergency and PTs have been negatively impacted by existing rules that do not allow for license renewal or reinstatement. This rule may help alleviate staffing issues by increasing employment opportunities for PTs and provide appropriate staffing levels to prevent temporary or permanent pharmacy closures, which would increase patient access for all Oregonians.

FISCAL AND ECONOMIC IMPACT:

In Oregon, it is estimated that 1,528 PTs will be impacted by the new continuing pharmacy education (CPE) requirements. CPE is currently available at no cost through various vendors. The exact number of PTs who will opt to renew is unknown.

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).

OBOP: Collecting the Workforce Data Collection Fee may result in an additional +\$3,040 increase in agency revenue. Collecting the National Fingerprint-based Background Check may result in an agency revenue reduction of -\$35,228 for a net impact of -\$32,188. Both fees are "pass through" fees that are sent to the Oregon Health Authority and Oregon State Police respectively for actual costs.

Other State Agencies/Units of Local Government: None anticipated

Public or Stakeholders: In Oregon, it is estimated that 1,528 PTs will be impacted by the new continuing pharmacy education (CPE) requirements. CPE is currently available at no cost through various vendors. The exact number of PTs who will opt to renew is unknown. Using 1/2 of current active PT licensees (~760) as an estimate:

- PTs opt to renew their PT license will not be required to apply for and qualify for a COPT license. The Pharmacy Technician Certification Board (PTCB) exam is \$129 and the National Healthcareer Association (NHA) is \$117.
- PTs who opt to renew their PT license will be subject to the biennial \$4 Workforce Data Collection Fee.
- PTs who opt to renew their license will not be subject to an additional National Fingerprint-based Background Check \$46.25 in order to apply for a COPT license.

Opting to renew their PT license may result in a \$4 Workforce Data Collection Fee, a reduction of -\$117 to -\$129 for exam fees, and a reduction of \$46.25 in National Fingerprint-based Background Check fees for a net impact of -\$159.25 to -\$171.25 to the licensee.

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

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

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

No, a RAC was not consulted. Agency licensing staff proposed amending the rules based on multiple licensee inquiries and complaints related to current technician license renewal or reinstatement restrictions.

RULES PROPOSED:

855-021-0009, 855-025-0005, 855-025-0010, 855-025-0011, 855-025-0012, 855-025-0015, 855-025-0060, 855-110-0003, 855-110-0005

AMEND: 855-021-0009

RULE SUMMARY: The rules add Continuing Pharmacy Education Requirements for PTs who choose to renew their license.

CHANGES TO RULE:

855-021-0009

Continuing Pharmacy Education Required for Pharmacy Technician or Certified Oregon Pharmacy Technician License Renewal

(1) During the period from July 1 through June 30 of each biennial license renewal cycle, a Pharmacy Technician or 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~~effective July 1, 2023; and ¶

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

(2) Section (1)(a)(b) and (d) does not apply to a Pharmacy Technician or 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 Section (1)(c) is required. ¶~~

(3) A Pharmacy Technician or 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. ¶

(5) If a license renewal is submitted after June 30th of the license renewal cycle, continuing pharmacy education must be completed prior to submission of the license renewal. ¶

(6) Section (1)(a)(b) and (d) do not apply to a Pharmacy Technician applying for the first renewal of their license prior to July 1, 2022. Section (1)(c) is required.

Statutory/Other Authority: ORS 689.205

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

AMEND: 855-025-0005

RULE SUMMARY: The proposed rule amendments clarify licensure requirements for PTs and COPTs.

CHANGES TO RULE:

855-025-0005

Licensure: Qualifications for Licensure as a Pharmacy Technician or Certified Oregon Pharmacy Technician ¶

(1) To qualify for licensure as a Pharmacy Technician or Certified Oregon Pharmacy Technician, an applicant must demonstrate that the applicant is at least 18 years of age and has ~~obtained a~~completed high school diploma or GED.¶

~~(2) Section one does not apply to persons under the age of 18 licensed by the Board as a Pharmacy Technician prior to January 1, 2015.¶~~

~~(3) An applicant for licensure as a P(or equivalent).¶~~

(2) To qualify for licensure as a Certified Oregon Pharmacy Technician, the applicant must also demonstrate that the applicant has taken and passed a national pharmacy Technician or Certified Oregon Pharmacy Technician must complete an application for licensure, provide the Board with a valid e-mail address and furnish documentation required to conduct a criminal background checkcation examination offered by:¶

(a) Pharmacy Technician Certification Board (PTCB); or¶

(b) National Healthcareer Association (NHA).¶

~~(43) No person whose license has been denied, revoked, suspended or restricted by any healthcare professional regulatory Bboard may be licensed as a Pharmacy Technician or Certified Oregon Pharmacy Technician unless the Bboard determines that licensure will pose no danger to patients or to the public interest.~~

Statutory/Other Authority: ORS 689.205

Statutes/Other Implemented: ORS 689.225, ORS 689.486

AMEND: 855-025-0010

RULE SUMMARY: The proposed rule amendments clarify the elements of a complete application for a PT license.

CHANGES TO RULE:

855-025-0010

Licensure as a: Application- Pharmacy Technician ¶

- ~~(1) The~~An application for license ofure as a Pharmacy Technician expires the second June 30 from the date of issue and is not to exceed two years, except that due to the COVID-19 declared public health emergency, Pharmacy Technician (PT) licenses set to expire June 30, 2020, will instead expire on 12/31/2020.¶
- ~~(2) The Pharmacy Technician license is not renewable.~~¶
- ~~(3) A time limited extension of a Pharm~~may be accessed on the board website.¶
- (2) Failure to completely, accurately and honestly answer all questions on the application for licensure or renewal of licensure is grounds for discipline.¶
- (3) Failure to disclose any arrest for a felony or misdemeanor, or any indictment for a felony may result in denial of the application.¶
- (4) The board macy Technician license may be granted once by petition to the Board. The written completed petition must be received by the Board prior to the expiration of the PT license:issue a license to a qualified applicant 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) Personal identification or proof of identity; and¶
- (4e) An individual may reapply for a Pharmacy Technician license if the previous PT license is lapsed for a period greater than five years completed national fingerprint-based background check.¶
- (5) The license of a Pharmacy Technician expires June 30 in even numbered years and may be renewed biennially.

Statutory/Other Authority: ORS 689.205

Statutes/Other Implemented: ORS 689.225, ORS 689.486

ADOPT: 855-025-0011

RULE SUMMARY: The proposed rule clarifies the requirements for PT license renewal and reinstatement.

CHANGES TO RULE:

855-025-0011

Licensure: Renewal or Reinstatement- Pharmacy Technician

(1) An applicant for renewal of a Pharmacy Technician license must:

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

(b) Complete the continuing pharmacy education requirements as directed in OAR 855-021;

(c) Be subject to an annual criminal background check.

(2) A Pharmacy Technician who fails to renew their license by the expiration date and whose license has been lapsed for one year or less may apply to renew their license and must pay a late fee required in OAR 855-110.

(3) A Pharmacy Technician or who fails to renew their license by the expiration date and whose license has been lapsed for greater than one year may apply to reinstate their license as follows:

(a) Must apply per OAR 855-025-0010; and

(b) Provide certification of completion of 10 continuing education hours earned in the prior 12 months. These hours may not be counted toward a future 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) 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.

Statutory/Other Authority: ORS 689.205

Statutes/Other Implemented: ORS 689.225, ORS 689.486, ORS 413.450

AMEND: 855-025-0012

RULE SUMMARY: The proposed rule amendments clarifies the elements of a complete application for a COPT license.

CHANGES TO RULE:

855-025-0012

Licensure as a: Application- Certified Oregon Pharmacy Technician ¶

~~(1) To qualify~~An application for licensure as a Certified Oregon Pharmacy Technician, the applicant must dem ~~may~~ be accessed on the board website. ¶

~~(2) Failure to completely, accurately and honest~~rate that he or she has taken and passed a national pharmacy answer all questions on the application for licensure or renewal of licensure is grounds for discipline. ¶

~~(3) Failure to disclose any arrest for a felony or misdemeanor, or any indictment for a felony may result in denial of the application.~~ ¶

~~(4) The board may technician certification examination offered by:~~issue a license to a qualified applicant after the receipt of: ¶

~~(a) A completed application;~~ ¶

~~(b) Payment of the fee prescribed in OAR 855-110;~~ ¶

~~(ac) The Pharmacy Technician Certification Board (PTCB); or~~A current, passport regulation size photograph (full front, head to shoulders); ¶

~~(d) Personal identification or proof of identity;~~ ¶

~~(be) The National Healthcareer Association~~(A completed national fingerprint-based background check; and ¶

~~(f) Proof that the applicant has taken and passed a national pharmacy technician certification offered by the PTCB or the NHA).~~ ¶

~~(25) The license of a Certified Oregon Pharmacy Technician expires June 30 in even numbered years and must~~ay ~~be renewed biennially.~~

Statutory/Other Authority: ORS 689.205

Statutes/Other Implemented: ORS 689.225, ORS 689.486

AMEND: 855-025-0015

RULE SUMMARY: The proposed amendments clarify the requirements for renewal or reinstatement of a COPT license.

CHANGES TO RULE:

855-025-0015

~~Renewal of Licensure as a~~Licensure: Renewal or Reinstatement- 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 required in OAR 855-110.; ¶¶

(b) ~~Completion of the~~ continuing pharmacy education requirements as directed in OAR 855-021; and ¶¶

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

(3) Continued national certification is not required to renew a license as a Certified Oregon Pharmacy Technician. ¶¶

(4) A Certified Oregon Pharmacy Technician who fails to renew ~~his or her~~their license by the expiration date and whose license has been lapsed for ~~less than one yeone year or less~~ may renew their license and must pay a late fee required in OAR 855-110. ¶¶

(5) A Certified Oregon Pharmacy ~~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 late fee~~Technician who fails to renew their license by the expiration date and whose license has been lapsed for greater than one year may apply to reinstate their license as follows: ¶¶

(a) Must apply per OAR 855-025-0010; and ¶¶

(b) Provide certification of completion of 10 continuing education hours earned in the prior 12 months. These hours may not be counted toward a future 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 ¶¶

~~(dC) Complete the required~~One hour of continuing pharmacy education pursuant to OAR 855-021 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.

Statutory/Other Authority: ORS 689.205

Statutes/Other Implemented: ORS 689.225, ORS 689.486, ORS 413.450

REPEAL: 855-025-0060

RULE SUMMARY: OAR 855-025-0015 clarifies the requirements for renewal or reinstatement of a COPT license. The proposed rule repeal is necessary to eliminate conflict between the old rules and new rules.

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) 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: 855-110-0003

RULE SUMMARY: The proposed rule clarifies that the fee for applications received within 180 days of expiration will be reduced to one-half a biennial rate. Adds Pharmacy Technicians to list of licensees that can receive this rate adjustment.

CHANGES TO RULE:

855-110-0003

General ¶

(1) All fees paid under these rules are non-refundable.¶

(2) Fees cannot be prorated.¶

(3) Fees for initial licensure as a Pharmacist, Pharmacy Technician or Certified Oregon Pharmacy Technician ~~may~~will be reduced to one-half of a biennial rate, if the application is received within 180 days of expiration.¶

(4) A late fee must be paid ~~w~~:¶

(a) When a renewal application is received after the date specified in these rules; or¶

(b) When the board requests additional information from an applicant and this information is not provided within 30 days.¶

(5) A fee may be assessed when an application is submitted incomplete and the board requests the missing information.

Statutory/Other Authority: ORS 689.205

Statutes/Other Implemented: ORS 689.135

AMEND: 855-110-0005

RULE SUMMARY: The proposed rule adds fees for PT license renewal including the workforce data collection fee.

CHANGES TO RULE:

855-110-0005

Licensing Fees ¶

- (1) Pharmacist license examination (NAPLEX) fee - \$50.¶
 - (2) Pharmacist jurisprudence (MPJE) re-examination fee - \$25.¶
 - (3) Pharmacist licensing by reciprocity fee - \$100. ¶
 - (4) Pharmacist licensing by score transfer fee - \$50. ¶
 - (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. Late renewal fee (received after June 30) - \$50.¶
 - (b) Electronic Prescription Monitoring Fund fee. Due by June 30 biennially - \$70. (This is a mandatory fee, required by ORS 431A.880 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.~~¶
 - (a) Expires June 30 each even numbered year. The biennial license fee is - \$100. Late renewal fee (received after June 30) - \$20. For Pharmacy Technician licenses that expire on June 30, 2023, a late renewal fee will not be assessed. ¶
 - (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 Pharmacy Technician license renewal fee.)¶
 - (9) Certified Oregon Pharmacy Technician:¶
 - (a) Biennial license fee. Expires June 30 each even numbered year - \$100. Late renewal fee (received after June 30) - \$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, ORS 676.410, ORS 431A.880