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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

02/23/2022 3:01 PM
ARCHIVES DIVISION
SECRETARY OF STATE

FILING CAPTION: Amends prohibited practices related to disclosure of patient information

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

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

pharmacy.rulemaking@bop.oregon.gov

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)

Permits disclosure of patient information as permitted by federal and state patient confidentiality laws and to the patient or persons authorized by the patient. Also prohibits accessing or obtaining patient information unless it is for the purpose of patient care.

DOCUMENTS RELIED UPON, AND WHERE THEY ARE AVAILABLE

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

Researchers have found links between levels of medical mistrust, race/ethnicity, and people's perception of discrimination. By clarifying the rules concerning disclosure of patient information, all patients can be more confident that their information is being handled appropriately by Oregon Board of Pharmacy licensees and registrants.

FISCAL AND ECONOMIC IMPACT:

No fiscal or economic impact is anticipated.

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).

None anticipated. The rulemaking imposes no additional mandatory reporting, recordkeeping, or other administrative requirements on small businesses.

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. Board staff suggests amending the current rule for transparency and clarity for licensees.

AMEND: 855-041-1055

RULE SUMMARY: Proposed amendments are to align Pharmacy Drug Outlet rules concerning disclosure of patient information with Remote Dispensing Site Pharmacy Drug Outlet rules in OAR 855-139-0602 adopted by the board in December 2021. Permits disclosure of patient information as permitted by federal and state patient confidentiality laws and to the patient or persons authorized by the patient. Also prohibits accessing or obtaining patient information unless it is for the purpose of patient care.

CHANGES TO RULE:

855-041-1055

Confidentiality-Prohibited Practices: Disclosure of Patient Information ¶

~~(1) No A Retail Drug Outlet or Institutional Drug Outlet: ¶~~

~~(1) May not allow a licensee or registrant of the Bboard who obtains any patient information shall to disclose that information to a third party without the consent of the patient. ¶~~

~~(2) Section (1) of this rule does not apply to: ¶~~

~~(a) An except as provided in (a)-(e) of this rule. A licensee may disclosure made te patient information: ¶~~

~~(a) To the Bboard; ¶~~

~~(b) Any disclosure made to a practitioner or to another pharmacist when the p To a practitioner, Oregon licensed Pharmacist, Intern, Pharmacy Technician, or Certified Oregon Pharmacy Technician, if disclosure is authorized by an Oregon licensed Pharmacist who reasonably believes that disclosing such information ure is necessary to protect the patient's health or well-being; or ¶~~

~~(c) To a third party when disclosure is otherwise authorized or required by law; or ¶~~

~~(d) As permitted pursuant to federal and state patient confidentiality laws; or ¶~~

~~(e) To the patient or to persons as authorized by the patient. ¶~~

(2) May not allow a licensee or registrant of the board to access or obtain any patient information unless it is accessed or obtained for the purpose of patient care.

Statutory/Other Authority: ORS 689.155, 205, ORS 689.305, ORS 689.20315

Statutes/Other Implemented: ORS 689.155