



NOTICE OF PROPOSED RULEMAKING

INCLUDING STATEMENT OF NEED & FISCAL IMPACT

CHAPTER 855

BOARD OF PHARMACY

FILED: 10/09/2026 2:24 PM

ARCHIVES DIVISION SECRETARY OF STATE

FILING CAPTION: Dispensing Practitioner Drug Outlets; Exemption from registration annual inspection requirements

LAST DAY AND TIME TO OFFER COMMENT TO AGENCY: 11/24/2026 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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Filed By:

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Rules Coordinator

HEARING(S)

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

DATE: 11/24/2026

TIME: 9:30 AM

OFFICER: Rachel Melvin

REMOTE HEARING DETAILS

MEETING URL: [Click here to join the meeting](#)

PHONE NUMBER: 503-446-4951

CONFERENCE ID: 538650615

SPECIAL INSTRUCTIONS:

This hearing will be held virtually via Microsoft Teams.

If you wish to present oral testimony virtually during this hearing, sign up on our website at

www.oregon.gov/pharmacy/pages/rulemaking-information or email your first and last name and email address to pharmacy.rulemaking@bop.oregon.gov. Please indicate which rule(s) you would like to comment on.

You must submit written comments before 4:30PM on November 24, 2026. Email written comments to pharmacy.rulemaking@bop.oregon.gov.

NEED FOR THE RULE(S):

Amends rules for a practitioner licensing board requesting exemption from registering as a Dispensing Practitioner Drug Outlet (DPDO) by amending the requirement to submit a plan to inspect instead of requiring annual inspections. The board currently inspects DPDOs on a biennial cycle. Removes incorrect rule reference.

DOCUMENTS RELIED UPON, AND WHERE THEY ARE AVAILABLE:

Temporary Rule adopted during the June 2026 board meeting.

https://www.oregon.gov/pharmacy/Documents/June_2026_Board_Mtg_Summary.pdf

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

The proposed rule amendments are not expected to affect racial equity in this state.

FISCAL AND ECONOMIC IMPACT:

The proposed rule amendments are not expected to have a fiscal or economic impact.

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 proposed rule amendments will have no anticipated additional economic impact on state agencies, units of local government, the public or registrants or licensees who identify as a small business.

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

Registrants who identify as a small business and who have signed up to receive rulemaking notices will receive an email notice of proposed rulemaking via GovDelivery and will have an opportunity to provide public comment on the proposed rules for the board's consideration.

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

No. The resources involved to convene a RAC were not necessary.

RULES PROPOSED:

855-043-0510, 855-043-0560

AMEND: 855-043-0510

RULE SUMMARY: Amends (11) by removing "annually" and "to the standards of". Adds "as approved by" to align with the board's current process of inspecting Dispensing Practitioner Drug Outlets on a biennial cycle instead of annually.

CHANGES TO RULE:

855-043-0510

Dispensing Practitioner Drug Outlets - Registration

(1) Unless subject to an exemption in OAR 855-043-0510(2), a practitioner that engages in dispensing human prescription drug therapies must register the dispensing site with the board as a DPDO on a form prescribed by the board, and must renew its registration annually on a renewal form prescribed by the board.¶¶

(2) A practitioner's facility is exempt from this registration requirement if the practitioner and facility only engages in:¶¶

(A) Dispensing FDA approved drug samples; or¶¶

- (Bb) Dispensing Medication Assistance Program (MAP) drugs; or¶¶
 - (Cc) Dispensing homeopathic products; or¶¶
 - (Dd) Dispensing natural thyroid supplemental products; or¶¶
 - (Ee) Dispensing a small amount of drugs to start therapy or incidental to a procedure or office visit, up to a 72 hour supply; or¶¶
 - (Ff) An amount greater than a 72 hour supply if the drug is:¶¶
 - (iA) A drug in the manufacturer's original unit-of-use packaging, such as a metered-dose-inhaler or bottle of fluoride rinse; or¶¶
 - (#B) A full course of therapy, if in the professional judgment of the practitioner would be in the patient's best interest, such as a course of antibiotic therapy.¶¶
- (3) The initial and renewal applications must state the location of the DPDO and the name of the person applying for registration. When the person applying for registration is not the owner of the dispensing site, the application must disclose the name and address of the owner and the applicant's affiliation with the owner.¶¶
- (a) If more than one individual owns the dispensing site, the names and addresses of the partners or persons holding the three largest ownership interests in the dispensing site must be disclosed on the application.¶¶
- (b) If the owner is a corporation, the application must state the name of the corporation as filed with the Corporation Division of the Oregon Secretary of State, including the names of the corporation's officers.¶¶
- (4) Upon request by the board the applicant must furnish such information as required by the board regarding the partners, stockholders, or other persons not named in the application.¶¶
- (5) An initial and renewal applications must be accompanied by the fee established OAR 855-110.¶¶
- (6) A certificate of registration will be issued upon board approval of the application.¶¶
- (7) The DPDO registration expires March 31, annually. If the annual renewal fee is not paid by March 31 of the current year, the applicant for renewal must submit the late renewal fee established in OAR 855-110 with the renewal application.¶¶
- (8) The registration is not transferable and the registration fee cannot be prorated.¶¶
- (9) The registrant must notify the board 15 days prior to any substantial change to the information provided on the registration application. Substantial change includes but is not limited to: change of ownership; change of business name; change of business address; change of normal business hours; any disciplinary action taken or pending by any state or federal authority against the registrant, or any of its principals, owners, directors, or officers.¶¶
- (10) A new registration form is required for a change of ownership or location and must be submitted to the board with the fees as specified in OAR 855-110 15 days prior to the change.¶¶
- (11) The board may grant a time-limited waiver exempting DPDO registration when a practitioner licensing board submits a request to the board with a plan to ~~annually~~ inspect the dispensing facility ~~to the standards of as approved by the board.~~¶¶
- (12) All Supervising Physician Dispensing Outlet registrations expire on March 31, 2022. Outlets that utilize dispensing Physician Assistants must apply for and be granted registration as a Dispensing Practitioner Drug Outlet upon the expiration of the Supervising Physician Dispensing Outlet Registration unless subject to an exemption in OAR 855-043-0510(2).

Statutory/Other Authority: ORS 689.205

Statutes/Other Implemented: ORS 475.125, ORS 689.155, ORS 689.305

AMEND: 855-043-0560

RULE SUMMARY: Amends (2) by removing incorrect rule reference OAR 855-001-0040. Division 001 rules were permanently repealed in February 2024, this citation no longer applies.

CHANGES TO RULE:

855-043-0560

Dispensing Practitioner Drug Outlets - Inspections

(1) The DPDO must annually complete a self-inspection using the board's DPDO Self-Inspection Form by July 1 and retain for board inspection.¶

(2) Each DPDO will be inspected ~~per OAR 855-001-0040~~ on a routine basis and must be scheduled in advance with the DPDO, to occur during normal business hours.¶

(3) The inspection must focus on the acquisition, storage, labeling and recordkeeping of drugs intended for dispensing and any violation will apply to the DPDO registration and not to the practitioner.¶

(4) The Board of Pharmacy must notify the practitioner's licensing board of any disciplinary action taken against a DPDO.

Statutory/Other Authority: ORS 689.205

Statutes/Other Implemented: ORS 689.155, ORS 689.305