



PERMANENT ADMINISTRATIVE ORDER

BP 29-2022
CHAPTER 855
BOARD OF PHARMACY

FILED
06/15/2022 3:23 PM
ARCHIVES DIVISION
SECRETARY OF STATE
& LEGISLATIVE COUNSEL

FILING CAPTION: Adds requirements for use of interpreters, modifies patient record requirements including patient's preferred language

EFFECTIVE DATE: 09/01/2022

AGENCY APPROVED DATE: 06/09/2022

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RULES:

855-019-0230, 855-041-1133, 855-041-1165, 855-139-0360, 855-139-0555

AMEND: 855-019-0230

NOTICE FILED DATE: 04/25/2022

RULE SUMMARY: Amendments are necessary to incorporate directives set forth in 2021 HB 2359, related to health care interpreters. Requires Pharmacists and Interns to work with health care interpreters from health care interpreter registry operated by Oregon Health Authority to provide interpretation services.

CHANGES TO RULE:

855-019-0230
Counseling ¶¶

- (1) The ~~p~~Pharmacist or ~~i~~Intern ~~shall~~must orally counsel the patient or patient's agent on the use of a drug or device as appropriate;¶¶
- (a) The ~~p~~Pharmacist or ~~i~~Intern ~~shall~~must counsel the patient on a new prescription and any changes in therapy, including but not limited to a change in directions or strength, or a prescription which is new to the pharmacy;¶¶
- (b) Only the ~~p~~Pharmacist or ~~i~~Intern may accept a patient's or patient's agent's request not to be counseled. If, in their reasonable professional judgment, the ~~p~~Pharmacist or ~~i~~Intern believes that the patient's safety may be affected, the ~~p~~Pharmacist or ~~i~~Intern may choose not to release the prescription until counseling has been completed;¶¶
- (c) ~~Effective July 1, 2008, t~~The ~~p~~Pharmacist or ~~i~~Intern that provides counseling or accepts the request not to be counseled ~~shall~~must document the interaction;¶¶
- (d) A ~~p~~Pharmacist ~~shall~~must not allow non-~~p~~Pharmacist personnel to release a prescription that requires counseling, or accept the request not to be counseled;¶¶
- (e) For a prescription delivered ~~outside of the pharmacy to a patient, except at a pharmacy or a pharmacy prescription locker~~, the ~~p~~Pharmacist ~~shall~~must offer in writing, to provide direct counseling and information about the drug, including information on how to contact the ~~p~~Pharmacist;¶¶
- (f) For each patient, the ~~p~~Pharmacist or ~~i~~Intern ~~shall~~must determine the amount of counseling that is reasonable and necessary under the circumstance to promote safe and effective use or administration of the drug or device, and to facilitate an appropriate therapeutic outcome for that patient.¶¶

~~(2g) Counseling on a refill prescription shall~~ When communicating (e.g. counseling, patient care services, billing) with a patient who prefers to communicate in a language other than English or who communicates in signed language, the Pharmacist or Intern must work with a health care interpreter from the health care interpreter registry administered by the Oregon Health Authority under ORS 413.558 unless the Pharmacist is proficient in the patient's preferred language.¶

(2) Counseling on a refill prescription must be such as a reasonable and prudent pharmacist would provide including but not limited to changes in strength or directions.¶

(3) A pharmacist may provide counseling in a form other than oral counseling when, in their reasonable professional judgment, a form of counseling other than oral counseling would be more effective.¶

(4) A pharmacist or intern shall ~~shall~~ must initiate and provide counseling under conditions that maintain patient privacy and confidentiality.¶

(5) For a discharge prescription from a hospital, the pharmacist must ensure that the patient receives appropriate counseling.

Statutory/Other Authority: ORS 689.205, 2021 HB 2359

Statutes/Other Implemented: ORS 689.151, ORS 689.155, 2021 HB 2359

ADOPT: 855-041-1133

NOTICE FILED DATE: 04/25/2022

RULE SUMMARY: New rules are necessary to incorporate directives set forth in 2021 HB 2359, related to health care interpreters. Requires pharmacists and interns to work with health care interpreters from health care interpreter registry operated by Oregon Health Authority to provide interpretation services.

CHANGES TO RULE:

855-041-1133

Dispensing: Interpretation

(1) Except as provided in subsection (2) of this section, a Pharmacist or Intern must work with a health care interpreter from the health care interpreter registry administered by the Oregon Health Authority under ORS 413.558 when communicating with a patient who prefers to communicate in a language other than English or who communicates in signed language, unless the Pharmacist is proficient in the preferred language of the person with limited English proficiency. The Pharmacist or drug outlet may not charge for these services.¶

(2) A Pharmacist or Intern who is otherwise required to work with a health care interpreter from the health care interpreter registry may work with a health care interpreter who is not listed on the health care interpreter registry only if the Pharmacist or Intern:¶

(a) Verifies that the Pharmacist or Intern has made a good faith effort needed to obtain a health care interpreter from the health care interpreter registry in accordance with rules adopted by the authority under ORS 413.558 and has found that none are available to provide interpretation; or¶

(b) Has offered the patient the services of a health care interpreter from the health care interpreter registry and the patient declined the offer and chose a different interpreter.¶

(3) A Pharmacist or Intern must provide personal protective equipment, consistent with established national standards, to health care interpreters providing services on-site at no cost to the health care interpreter and may not suggest to the health care interpreter that the health care interpreter should procure the health care interpreter's own personal protective equipment as a condition of working with the Pharmacist or Intern.¶

(4) A Pharmacist or Intern must maintain records of:¶

(a) Each patient encounter in which the Pharmacist or Intern worked with a health care interpreter from the health care interpreter registry; or¶

(b) Each good faith effort to utilize a health care interpreter from the health care registry for each patient encounter in which the Pharmacist or Intern worked with an interpreter not on the health care interpreter registry and met one of the exceptions in (2) of this rule.¶

(5) The records required in (4) must include:¶

(a) The full name of the health care interpreter;¶

(b) The health care interpreter's registry number, if applicable; and¶

(c) The language interpreted.¶

(6) Pharmacists, Interns, Certified Oregon Pharmacy Technicians, Pharmacy Technicians and Pharmacies are required to comply with ORS 413.559.

Statutory/Other Authority: ORS 689.205, 2021 HB 2359

Statutes/Other Implemented: ORS 689.155, 2021 HB 2359

AMEND: 855-041-1165

NOTICE FILED DATE: 04/25/2022

RULE SUMMARY: Amendments are necessary to incorporate directives set forth in 2021 HB 2359, related to health care interpreters. Modifies patient records requirements to include patient's preferred language for communication and prescription labeling.

CHANGES TO RULE:

855-041-1165

Patient Medical Record ¶

A patient record system ~~shall~~must be maintained by pharmacies for all patients for whom prescription drug orders are dispensed, ~~except for those patients who the pharmacist has good reason to believe will not return to that pharmacy to obtain drugs.~~ The patient record system ~~shall~~must provide for readily retrievable information necessary for the dispensing ~~p~~Pharmacist to identify previously dispensed drugs at the time a prescription drug order is presented for dispensing. The ~~p~~Pharmacist ~~shall~~must make a reasonable effort to obtain, record, and maintain the following information:¶

(1) Full name of the patient for whom the drug is intended;¶

(2) Address and telephone number of the patient;¶

(3) Patient's ~~age or~~ date of birth;¶

(4) Patient's gender;¶

(5) Patient's preferred language for communication and prescription labeling;¶

(6) Chronic medical conditions;¶

~~(67)~~ A list of all prescription drug orders obtained by the patient at the pharmacy maintaining the patient record showing the name of the drug or device, prescription number, name and strength of the drug, the quantity and date received, and the name of the prescriber;¶

~~(78)~~ Known allergies, drug reactions, and drug idiosyncrasies; and¶

~~(89)~~ If deemed relevant in the ~~p~~Pharmacist's reasonable professional judgment:¶

(a) Pharmacist comments relevant to the individual's drug therapy, including any other information peculiar to the specific patient or drug; and¶

(b) Additional information such as chronic conditions or disease states of the patient, the patient's current weight, and the identity of any other drugs, including over-the-counter drugs, or devices currently being used by the patient which may relate to prospective drug review.

Statutory/Other Authority: ORS 689.205, 2021 HB 2359

Statutes/Other Implemented: ORS 689.151, ORS 689.155, ORS 689.508, 2021 HB 2359

ADOPT: 855-139-0360

NOTICE FILED DATE: 04/25/2022

RULE SUMMARY: New rules are necessary to incorporate directives set forth in 2021 HB 2359, related to health care interpreters. Requires pharmacists and interns to work with health care interpreters from health care interpreter registry operated by Oregon Health Authority to provide interpretation services.

CHANGES TO RULE:

855-139-0360

Dispensing: Interpretation

(1) Except as provided in subsection (2) of this section, a Pharmacist or Intern from the RDSP Affiliated Pharmacy must work with a health care interpreter from the health care interpreter registry administered by the Oregon Health Authority under ORS 413.558 when communicating with a patient who prefers to communicate in a language other than English or who communicates in signed language, unless the Pharmacist is proficient in the preferred language of the person with limited English proficiency. The Pharmacist or drug outlet may not charge for these services.

(2) A Pharmacist or Intern who is otherwise required to work with a health care interpreter from the health care interpreter registry may work with a health care interpreter who is not listed on the health care interpreter registry only if the Pharmacist or Intern:

(a) Verifies that the Pharmacist or Intern has made a good faith effort needed to obtain a health care interpreter from the health care interpreter registry in accordance with rules adopted by the authority under ORS 413.558 and has found that none are available to provide interpretation; or

(b) Has offered the patient the services of a health care interpreter from the health care interpreter registry and the patient declined the offer and chose a different interpreter.

(3) A Pharmacist or Intern must provide personal protective equipment, consistent with established national standards, to health care interpreters providing services on-site at no cost to the health care interpreter and may not suggest to the health care interpreter that the health care interpreter should procure the health care interpreter's own personal protective equipment as a condition of working with the Pharmacist or Intern.

(4) A Pharmacist or Intern must maintain records of:

(a) Each patient encounter in which the Pharmacist or Intern worked with a health care interpreter from the health care interpreter registry; or

(b) Each good faith effort to utilize a health care interpreter from the health care registry for each patient encounter in which the Pharmacist or Intern worked with an interpreter not on the health care interpreter registry and met one of the exceptions in (2) of this rule.

(5) The records required in (4) must include:

(a) The full name of the health care interpreter;

(b) The health care interpreter's registry number, if applicable; and

(c) The language interpreted.

(6) Pharmacists, Interns, Certified Oregon Pharmacy Technicians, Pharmacy Technicians and Pharmacies are required to comply with ORS 413.559.

Statutory/Other Authority: ORS 689.205, 2021 HB 2359

Statutes/Other Implemented: ORS 689.155, 2021 HB 2359

AMEND: 855-139-0555

NOTICE FILED DATE: 04/25/2022

RULE SUMMARY: Amendments are necessary to incorporate directives set forth in 2021 HB 2359, related to health care interpreters. Modifies patient records requirements to include patient's preferred language for communication and prescription labeling.

CHANGES TO RULE:

855-139-0555

Records: Patient

A patient record system must be maintained by pharmacies for all patients for whom a prescription drug is dispensed. The patient record system must provide information necessary for the dispensing Oregon licensed Pharmacist to identify previously dispensed drugs at the time a prescription is presented for dispensing. The Pharmacist must make a reasonable effort to obtain, record, and maintain the following information:

- (1) Full name of the patient for whom the drug is intended;
- (2) Address and telephone number of the patient;
- (3) Patient's age or date of birth;
- (4) Patient's gender;
- (5) Patient's preferred language for communication and prescription labeling;
- (6) Chronic medical conditions;
- (67) A list of all prescription drug orders obtained by the patient at the pharmacy maintaining the patient record showing the name of the drug or device, prescription number, name and strength of the drug, the quantity and date received, and the name of the prescriber;
- (78) Known allergies, drug reactions, and drug idiosyncrasies; and
- (89) If deemed relevant in the Oregon licensed Pharmacist's reasonable professional judgment:
 - (a) Oregon licensed Pharmacist comments relevant to the individual's drug therapy, including any other information peculiar to the specific patient or drug; and
 - (b) Additional information such as chronic conditions or disease states of the patient, the patient's current weight, and the identity of any other drugs, including over-the-counter drugs, or devices currently being used by the patient which may relate to prospective drug review.

Statutory/Other Authority: ORS 689.205, 2021 HB 2359

Statutes/Other Implemented: ORS 689.151, ORS 689.155, ORS 689.508, 2021 HB 2359