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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

10/21/2022 9:54 AM
ARCHIVES DIVISION
SECRETARY OF STATE

FILING CAPTION: Allows an out-of-state licensed pharmacist to volunteer without compensation or licensure in Oregon

LAST DAY AND TIME TO OFFER COMMENT TO AGENCY: 11/22/2022 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: 11/22/2022

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:

146 611 440#

for audio only.

You must submit written comments before 4:30PM on November 22, 2022. Email written comments to pharmacy.rulemaking@bop.oregon.gov.

NEED FOR THE RULE(S)

Adopts language that would allow an out-of-state licensed pharmacist to volunteer without compensation in Oregon for 30 days each calendar year without being required to apply for licensure in Oregon and provides requirements needed

to qualify as an out-of-state volunteer pharmacist. These rules are necessary pursuant to directives of 2022 HB 4096, becomes operative on 1/1/2023.

DOCUMENTS RELIED UPON, AND WHERE THEY ARE AVAILABLE

2022 HB 4096 <https://olis.oregonlegislature.gov/liz/2022R1/Downloads/MeasureDocument/HB4096/Enrolled>

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

The COVID-19 pandemic has exacerbated health care workforce shortages, leaving many health care facilities short-staffed. Appropriate staffing in health care facilities is essential to providing safe patient care and a safe work environment for health care providers. Volunteer health care providers provide services to people who might not otherwise have access, including rural areas bordering other states.

FISCAL AND ECONOMIC IMPACT:

The agency anticipates a minimal fiscal 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).

If an out-of-state pharmacist who is licensed in another state chooses to volunteer and qualifies, they may be subject to any fees charged by their state of residence associated with complying with the requirements.

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

Small businesses were not involved with the development of these rules.

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

Legislative mandate of 2022 HB 4096.

ADOPT: 855-019-0124

RULE SUMMARY: The proposed rules create the necessary requirements for a pharmacist to practice pharmacy in Oregon without compensation for a specified amount of time without being required to obtain licensure in Oregon. The proposed rules are necessary as a directive of 2022 HB 4096.

CHANGES TO RULE:

855-019-0124

Notification: Out-of-State Volunteer Pharmacist

(1) A pharmacist who is not licensed in Oregon may, without compensation and in connection with a coordinating organization or other entity, practice pharmacy for 30 days each calendar year. The pharmacist is not required to apply for licensure or other authorization from the board to practice pharmacy under this section.¶

(2) To practice pharmacy under this section, the pharmacist who is not licensed in Oregon must submit on a form prescribed by the board, at least 10 days prior to commencing practice in this state, to the board:¶

(a) Proof that the pharmacist is in good standing and is not the subject of an active disciplinary action in any jurisdiction in which the pharmacist is authorized to practice;¶

(b) An acknowledgement that the pharmacist must provide services only within the scope of practice of pharmacy and will provide services pursuant to the scope of practice of this state or the health care practitioner's licensing agency, whichever is more restrictive.¶

(c) An attestation that the pharmacist will not receive compensation for practice in this state.¶

(d) The name and contact information of the coordinating organization or other entity through which the pharmacist will practice; and¶

(e) The dates on which the pharmacist will practice in this state.¶

(3) Except as otherwise provided, the pharmacist practicing under this section is subject to the laws and rules governing the pharmacy profession that the pharmacist is authorized to practice and to disciplinary action by the appropriate health professional regulatory board.

Statutory/Other Authority: ORS 689.205, ORS 689.315, 2022 HB 4096

Statutes/Other Implemented: ORS 689.151, 2022 HB 4096