

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

12/21/2022 12:21 PM
ARCHIVES DIVISION
SECRETARY OF STATE

FILING CAPTION: Amends definitions

LAST DAY AND TIME TO OFFER COMMENT TO AGENCY: 01/26/2023 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: 01/26/2023

TIME: 9:30 AM

OFFICER: Rachel Melvin

HEARING LOCATION

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 virtually 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.

You must submit written comments before 4:30PM on January 26, 2023. Email written comments to pharmacy.rulemaking@bop.oregon.gov.

REMOTE MEETING DETAILS

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

PHONE NUMBER: 503-446-4951

SPECIAL INSTRUCTIONS:

Phone Conference ID = 294 493 511#

NEED FOR THE RULE(S)

Repeals definitions of "Clinical Pharmacy Agreement", "Collaborative Drug Therapy Management", "Drug Regimen Review", "Drug Utilization Review", "Medication Therapy Management", "Practice of Clinical Pharmacy" and "Practice of Pharmacy" from OAR 855-019-0110 which are located in OAR 855-006-0005. Retains "Counseling" definition in OAR 855-019-0110.

DOCUMENTS RELIED UPON, AND WHERE THEY ARE AVAILABLE

None available.

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

Proposed rule amendments provide clarity for licensees, registrants. It is anticipated that these amendments will not impact any group of people differently than others.

FISCAL AND ECONOMIC IMPACT:

No fiscal 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).

There are no known economic impacts to the agency, other state or local government, small businesses, or members of the public.

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

Small businesses were not involved in the development of the proposed rule amendments.

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

The board motioned to repeal definitions listed and retain "Counseling" definition during the December 2022 board meeting.

AMEND: 855-019-0110

RULE SUMMARY: Repeals definitions in this rule, except for "Counseling".

CHANGES TO RULE:

855-019-0110

Definitions ¶¶

In this Division of Rules:¶¶

- ~~(1) "Clinical Pharmacy Agreement" means an agreement between a pharmacist or pharmacy and a health care organization or a physician that permits the pharmacist to engage in the practice of clinical pharmacy for the benefit of the patients of the health care organization or physician.¶¶~~
- ~~(2) "Collaborative Drug Therapy Management (CDTM)" has the same meaning as defined in OAR 855-006-0005.¶¶~~
- ~~(3) "Counseling" means an oral or other appropriate communication process between a pharmacist and a patient or a patient's agent in which the pharmacist obtains information from the patient or patient's agent, and, where appropriate, the patient's pharmacy records, assesses that information and provides the patient or patient's agent with professional advice regarding the safe and effective use of the drug or device for the purpose of assuring therapeutic appropriateness.¶¶~~
- ~~(4) "Drug Regimen Review (DRR)" means the process conducted by a pharmacist who is consulting for a long-term care facility or other institution, either prior to dispensing or at a later time, with the goal of ensuring that optimal patient outcomes are achieved from the drug therapy.¶¶~~
- ~~(5) "Drug Utilization Review (DUR)" has the same meaning as defined in OAR 855-006-0005.¶¶~~
- ~~(6) "Medication Therapy Management (MTM)" means a distinct service or group of services that is intended to optimize therapeutic outcomes for individual patients. Medication Therapy Management services are~~

independent of, but can occur in conjunction with, the provision of a medication product.¶¶

(7) "Practice of Clinical Pharmacy" means:¶¶

(a) The health science discipline in which, in conjunction with the patient's other practitioners, a pharmacist provides patient care to optimize medication therapy and to promote disease prevention and the patient's health and wellness;¶¶

(b) The provision of patient care services, including but not limited to post-diagnostic disease state management services; and¶¶

(c) The practice of pharmacy by a pharmacist pursuant to a clinical pharmacy agreement.¶¶

(8) "Practice of Pharmacy" is as defined in ORS 689.005.

Statutory/Other Authority: ORS 689.205

Statutes/Other Implemented: ORS 689.005, ORS 689.151, ORS 689.155