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ARCHIVES DIVISION

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NOTICE OF PROPOSED RULEMAKING
INCLUDING STATEMENT OF NEED & FISCAL IMPACT

CHAPTER 855
BOARD OF PHARMACY

FILED

10/25/2021 5:12 PM
ARCHIVES DIVISION
SECRETARY OF STATE

FILING CAPTION: 2021 HB 2078 modifies pain management education requirements for pharmacists

LAST DAY AND TIME TO OFFER COMMENT TO AGENCY: 11/23/2021 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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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: 11/23/2021

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.

Alternatively, you may dial (503) 446-4951 Phone Conference ID: 472 815 435# for audio only.

You may file written comments before 4:30PM on November 23, 2021 by emailing your comments to pharmacy.rulemaking@bop.oregon.gov.

NEED FOR THE RULE(S)

Revisions to Division 019/021 are necessary to incorporate continuing education requirement directives set forth in 2021 HB 2078, related to pain management education.

DOCUMENTS RELIED UPON, AND WHERE THEY ARE AVAILABLE

2021 HB 2078 and related statutes

<https://olis.oregonlegislature.gov/liz/2021R1/Downloads/MeasureDocument/HB2078/Enrolled>
OPMC Pain Management Module <https://www.oregon.gov/oha/HPA/dsi-pmc/Pages/module.aspx>

FISCAL AND ECONOMIC IMPACT:

In Oregon, it is estimated that 8,347 pharmacists will be impacted by these new requirements. There is no fee for completing this one-hour pain management course.

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 Oregon Board of Pharmacy or small businesses. Oregon licensed Pharmacists will be required to retain and provide proof of completed on hour continuing education in pain management provided by the Pain Management Commission of the Oregon Health Authority.

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

Small businesses were not involved in the development of proposed revisions to these rules.

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

Legislative directive of 2021 HB 2078.

RULES PROPOSED:

855-019-0120, 855-021-0001, 855-021-0005

AMEND: 855-019-0120

RULE SUMMARY: Revisions to Divisions 019/021 are necessary to incorporate continuing education requirement directives set forth in 2021 HB 2078, related to pain management education.

CHANGES TO RULE:

855-019-0120

Licensure ¶

(1) Before licensure as a pharmacist, an applicant must meet the following requirements:¶

(a) Provide evidence from a school or college of pharmacy approved by the Bboard that they have successfully completed all the requirements for graduation and, starting with the graduating class of 2011, including not less than 1440 hours of School-based Rotational Internships as that term is defined in OAR 855-031-0005, and that a degree will be conferred;¶

(b) Pass the North American Pharmacist Licensure Examination (NAPLEX) exam with a score of not less than 75. This score ~~is shall remain~~ valid for only one year unless the Bboard grants an extension. A candidate who does not attain this score may retake the exam after a minimum of 45 days with a limit of three attempts in a 12 month period, not to exceed a lifetime maximum of 5 times.;¶

(c) Pass the Multistate Pharmacy Jurisprudence Examination (MPJE) exam with a score of not less than 75. The applicant may not take the MPJE until they have graduated from a school or college of pharmacy approved by the Bboard. A candidate who does not attain this score may retake the exam after a minimum of 30 days with a limit of three attempts in a 12 month period, not to exceed a lifetime maximum of 5 times. The MPJE score ~~is shall be~~ valid for 6 months unless extended by the Bboard;¶

(d) Complete an application for licensure, provide the Bboard with a valid e-mail address, and a fingerprint card or other documentation required to conduct a criminal background check; and¶

(e) Complete one hour of continuing pharmacy education in pain management, provided by the Pain Management Commission of the Oregon Health Authority.¶

(2) A license, once obtained, will expire on June 30 in odd numbered years and must be renewed biennially.

Statutory/Other Authority: ORS 689.205

Statutes/Other Implemented: ORS 689.151, 2021 HB 2078

AMEND: 855-021-0001

RULE SUMMARY: Revisions to Division 019/021 are necessary to incorporate continuing education requirement directives set forth in 2021 HB 2078, related to pain management education.

CHANGES TO RULE:

855-021-0001

Definitions

- (1) "Continuing Pharmacy Education" or "CPE" means classes of post graduate studies, informal study group participation, institutes, seminars, lectures, conferences, workshops, extension study, correspondence courses, teaching, planned and professional meetings, self-study courses, cassette or audio visual tape/slides or materials, and other self-instruction units applicable to the practice of pharmacy.¶
 - (2) "Contact hour" means fifty minutes of continuing pharmacy education.¶
 - (3) "Patient safety" means systems, procedures and processes that ensure that the correct patient receives the correct drug in the correct dose and is counseled appropriately. ¶
 - (4) "Medication error prevention" means systems, procedures and processes to prevent and avoid adverse events and to ensure that the correct patient receives the correct drug in the correct dose. ¶
 - (5) "Pain management education program" means a specific one-hour web-based program developed by the ~~Oregon Pain Commission, in addition to six accredited hours of continuing education in pain management, end of life care or a combination of both~~ Pain Management Commission of the Oregon Health Authority.¶
 - (6) "Cultural competence" means the lifelong process of examining the values and beliefs and developing and applying an inclusive approach to health care practice in a manner that recognizes the content and complexities of provider-patient communication and interaction and preserves the dignity of individuals, families, and communities.¶
- (a) Cultural competence applies to all patients.¶
 - (b) Culturally competent providers do not make assumptions on the basis of an individual's actual or perceived abilities, disabilities or traits whether inherent, genetic or developmental including: race, color, spiritual beliefs, creed, age, tribal affiliation, national origin, immigration or refugee status, marital status, socio-economic status, veteran's status, sexual orientation, gender identity, gender expression, gender transition status, level of formal education, physical or mental disability, medical condition or any consideration recognized under federal, state and local law.

Statutory/Other Authority: ORS 689.205, ORS 676.850

Statutes/Other Implemented: ORS 689.285, ORS 689.486, ORS 413.450, ORS 413.590

AMEND: 855-021-0005

RULE SUMMARY: Revisions to Division 019/021 are necessary to incorporate continuing education requirement directives set forth in 2021 HB 2078, related to pain management education.

CHANGES TO RULE:

855-021-0005

Continuing Pharmacy Education Required for Pharmacist License Renewal ¶¶

(1) During the period from July 1 through June 30 of each biennial license renewal cycle, a pharmacist must have satisfactorily completed at least 30 hours of continuing pharmacy education. These hours must include at least:¶¶

(a) Two hours of continuing pharmacy education in pharmacy law; ¶¶

(b) Two hours of continuing pharmacy education in patient safety or medication error prevention; ¶¶

(c) Two hours of continuing pharmacy education in cultural competency either approved by the Oregon Health Authority under ORS 413.450 or any cultural competency CPE; and ¶¶

~~(d) Twenty-four additional~~ One hours of continuing pharmacy education. ¶¶

~~(2) Prior to the second license renewal, a pharmacist licensed under these rules must complete seven hours of continuing education in pain management as detailed in the following sub-sections. ¶¶~~

~~(a) A one-hour pain management course, specific to Oregon in pain management, provided by the Pain Management Commission of the Oregon Health Authority; and ¶¶~~

~~(b) A minimum of six hours of continuing education in pain management. This requirement may be fulfilled by any combination of continuing education coursework focusing on pain management including but not limited to the treatment of terminally ill and dying patients, and those with chronic, non-malignant pain. ¶¶~~

~~(c) The pain management continuing education required under this rule may count towards the required 30e)~~

Twenty three additional hours of continuing pharmacy education-contact hours. ¶¶

~~(32) Section (1) does not apply to pharmacists applying for the first renewal of their license if they have not been licensed by the board for at least one year prior to July 1 of the renewal period. ¶¶~~

~~(43) A pharmacist must retain documentation of completed continuing pharmacy education for six years and must provide this documentation if requested by the board. ¶¶~~

~~(54) Continuing pharmacy education credit accumulated in excess of the required 30 contact hours for biennial license renewal cannot be carried forward.~~

Statutory/Other Authority: ORS 689.205, ORS 676.850

Statutes/Other Implemented: ORS 689.285, ORS 413.450, ORS 413.590, 2021 HB 2078