

OFFICE OF THE SECRETARY OF STATE

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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

10/19/2023 5:01 PM
ARCHIVES DIVISION
SECRETARY OF STATE

FILING CAPTION: Adds Vaccination Protocols to Protocol Compendium

LAST DAY AND TIME TO OFFER COMMENT TO AGENCY: 11/21/2023 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.

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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: 11/21/2023

TIME: 9:30 AM

OFFICER: Rachel Melvin

HEARING LOCATION

ADDRESS: Rachel Melvin, 800 NE Oregon St., Suite 150, Portland, OR 97232

REMOTE MEETING DETAILS

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

PHONE NUMBER: 503-446-4951

CONFERENCE ID: 343868791

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 first and last name, email address and phone number to

pharmacy.rulemaking@bop.oregon.gov to receive a calendar invitation to join the virtual hearing. Please indicate which rule(s) you would like to comment on.

You must submit written comments before 4:30PM on November 21, 2023. Email written comments to pharmacy.rulemaking@bop.oregon.gov.

NEED FOR THE RULE(S)

Adds vaccination protocols to protocol compendium effective 2/1/2024 and adopts each protocol as a standard adopted by reference.

DOCUMENTS RELIED UPON, AND WHERE THEY ARE AVAILABLE

Standard Protocol for All Vaccines: Cover Page & Assessment and Treatment Care Pathway (v. 10/2023)
https://www.oregon.gov/pharmacy/Documents/PrevCare_ALL_Vaccines_Cover_Page_Assess_Treat_Care_Pathway.pdf

Standard Protocol for All Vaccines: Managing Adverse Reactions (v. 10/2023)
https://www.oregon.gov/pharmacy/Documents/PrevCare_ALL_Vaccines_Managing_Adverse_Reactions_Div_020.pdf

Cholera (v. 10/2023) https://www.oregon.gov/pharmacy/Documents/PrevCare_Cholera_v.10.2023.pdf

Coronavirus 19 (v. 10/2023)
https://www.oregon.gov/pharmacy/Documents/PrevCare_Coronavirus_19_Div_020_v.10.2023.pdf

Haemophilus influenzae type b (v. 10/2023)
https://www.oregon.gov/pharmacy/Documents/PrevCare_Haemophilus_Influenza_Type_B_v.10.2023.pdf

Hepatitis A (v. 10/2023)
https://www.oregon.gov/pharmacy/Documents/PrevCare_Hepatitis_A_Containing_v.10.2023.pdf

Hepatitis B (v. 10/2023)
https://www.oregon.gov/pharmacy/Documents/PrevCare_Hepatitis_B_Containing_v.10.2023.pdf

Human Papillomavirus (v. 10/2023)
https://www.oregon.gov/pharmacy/Documents/PrevCare_Human_Papillomavirus_v.10.2023.pdf

Influenza (IIV RIV 2023-24) (v.10/2023)
https://www.oregon.gov/pharmacy/Documents/PrevCare_Influenza_Inactivated_v.10.2023.pdf

Influenza (LAIV 2023-24) (v.10/2023)
https://www.oregon.gov/pharmacy/Documents/PrevCare_Influenza_Live_Attenuated_v.10.2023.pdf

Japanese Encephalitis (v. 10/2023)
https://www.oregon.gov/pharmacy/Documents/PrevCare_Japanese_Encephalitis_v.10.2023.pdf

Measles, Mumps & Rubella (v. 10/2023)
https://www.oregon.gov/pharmacy/Documents/PrevCare_Measles_Mumps_Rubella_Containing_v.10.2023.pdf

Meningococcal (v. 10/2023)
https://www.oregon.gov/pharmacy/Documents/PrevCare_Meningococcal_Containing_v.10.2023.pdf

Pneumococcal (v. 10/2023) https://www.oregon.gov/pharmacy/Documents/PrevCare_Pneumococcal_v.10.2023.pdf

Polio (v. 10/2023) https://www.oregon.gov/pharmacy/Documents/PrevCare_Polio_v.10.2023.pdf

Rabies (v. 10/2023) https://www.oregon.gov/pharmacy/Documents/PrevCare_Rabies_v.10.2023.pdf

Respiratory Syncytial Virus (RSV) (v. 10/2023)
https://www.oregon.gov/pharmacy/Documents/PrevCare_Respiratory_Syncytial_Virus_v.10.2023.pdf

Tetanus, Diphtheria (Td/Tdap) (v. 10/2023)
https://www.oregon.gov/pharmacy/Documents/PrevCare_Tetanus_Diphtheria_Containing_v.10.2023.pdf

Typhoid (v. 10/2023) https://www.oregon.gov/pharmacy/Documents/PrevCare_Typhoid_v.10.2023.pdf

Varicella (v. 10/2023) https://www.oregon.gov/pharmacy/Documents/PrevCare_Varicella_Containing_v.10.2023.pdf

Yellow Fever (v. 10/2023) https://www.oregon.gov/pharmacy/Documents/PrevCare_Yellow_Fever_v.10.2023.pdf

Zoster (v. 10/2023) https://www.oregon.gov/pharmacy/Documents/PrevCare_Zoster_v.10.2023.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:

No fiscal anticipated. Licensees, registrants and stakeholders will have an opportunity to provide fiscal and economic impact statements during the open comment period.

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).

(1) The rule amendments will have no additional economic impact on state agencies, units of local government, or the public.

(2)(a) The proposed rule amendments applies to licensees and registrants of the Oregon Board of Pharmacy.

Approximately 30% of Drug Outlet Pharmacy (RP &IP) registrants identify as a small business

(b) The rulemaking imposes no additional mandatory reporting, recordkeeping or other administrative requirements on small businesses.

(c) The rulemaking imposes no additional requirements regarding equipment, supplies, labor or administration.

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

Licensees and registrants who identify as a small business 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?

Subject Matter Experts (SME) are responsible for drafting proposed protocols and then the Public Health and Pharmacy Formulary Advisory Committee is responsible for recommending changes to the drafts or recommending the proposed protocols are sent to the board for consideration.

AMEND: 855-020-0300

RULE SUMMARY: OAR 855-020-0300: Amended to add vaccination protocols to the compendium effective 2/1/2024.

CHANGES TO RULE:

855-020-0300

Protocol Compendium

A Pharmacist may prescribe, via statewide drug therapy management protocol and according to rules outlined in this Division, an FDA-approved drug and device listed in the following compendium:¶

(1) Continuation of therapy including emergency refills of insulin (v. 06/2023);¶

(2) Conditions¶

(a) Cough and cold symptom management¶

(A) Pseudoephedrine (v. 06/2021);¶

(B) Benzonatate (v. 06/2021);¶

(C) Short-acting beta agonists (v. 06/2021);¶

(D) Intranasal corticosteroids (v. 06/2021);¶

(b) Vulvovaginal candidiasis (VVC) (v. 06/2021);¶

(c) COVID-19 Antigen Self-Test (v. 12/2021); ¶

(3) Preventative care¶

(a) Emergency Contraception (v. 06/2021);¶

(b) Male and female condoms (v. 06/2021);¶

(c) Tobacco Cessation, ~~NRT~~(Nicotine Replacement Therapy (NRT) and Non-NRT (v. 06/2022);¶

(d) Travel Medications (v. 06/2023);¶

(e) HIV Post-exposure Prophylaxis (PEP) (v. 06/2023);¶

(f) HIV Pre-exposure Prophylaxis (PrEP) (v. 06/2023); and¶

(g) Contraception (v. 06/2023); and ¶

(h) Effective 2/1/2024, vaccinations:¶

- (A) Standard Protocol for All Vaccines: Cover Page & Assessment and Treatment Care Pathway (v. 2/2024); ¶
- (B) Standard Protocol for All Vaccines: Managing Adverse Reactions (v. 2/2024); ¶
- (C) Cholera (v. 2/2024); ¶
- (D) Coronavirus 2019 (v. 2/2024); ¶
- (E) Haemophilus Influenza type b (v. 2/2024)¶
- (F) Hepatitis A containing vaccines (v. 2/2024); ¶
- (G) Hepatitis B containing vaccines (v. 2/2024); ¶
- (H) Human Papillomavirus (v. 2/2024); ¶
- (I) Influenza - Inactivated Influenza Vaccines and Recombinant Influenza Vaccines 2023-24 (v. 2/2024); ¶
- (J) Influenza - Live Attenuated Influenza Vaccine 2023-24 (v. 2/2024); ¶
- (K) Japanese Encephalitis (v. 2/2024); ¶
- (L) Meningococcal containing vaccines (v. 2/2024); ¶
- (M) Measles Mumps & Rubella containing vaccines (v. 2/2024); ¶
- (N) Pneumococcal (v. 2/2024); ¶
- (O) Polio (v. 2/2024); ¶
- (P) Rabies (v. 2/2024); ¶
- (Q) Respiratory Syncytial Virus (v. 2/2024);¶
- (R) Tetanus Diphtheria containing vaccines (v. 2/2024);¶
- (S) Typhoid (v. 2/2024); ¶
- (T) Varicella containing vaccines (v. 2/2024);¶
- (U) Yellow fever (v. 2/2024); ¶
- (V) Zoster (v. 2/2024).¶

[Publications referenced are available from the agency.]

Statutory/Other Authority: ORS 689.205

Statutes/Other Implemented: ORS 689.645, ORS 689.649, ORS 689.689, ORS 689.696