

OFFICE OF THE SECRETARY OF STATE

LAVONNE GRIFFIN-VALADE  
SECRETARY OF STATE

CHERYL MYERS  
DEPUTY SECRETARY OF STATE  
AND TRIBAL LIAISON



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**

12/22/2023 8:32 AM  
ARCHIVES DIVISION  
SECRETARY OF STATE

FILING CAPTION: Repeals Division 025; Certified Oregon Pharmacy Technicians and Pharmacy Technicians

LAST DAY AND TIME TO OFFER COMMENT TO AGENCY: 01/24/2024 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: 01/24/2024

TIME: 9:30 AM

OFFICER: Rachel Melvin

HEARING LOCATION

ADDRESS: Oregon Board of Pharmacy - Virtual Hearing , 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: 618712182

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/](http://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 January 24, 2024. Email written comments to pharmacy.rulemaking@bop.oregon.gov.

NEED FOR THE RULE(S)

Repeals Division 025 Certified Oregon Pharmacy Technicians and Pharmacy Technicians rules in its entirety, effective at 11:59PM on 2/29/2024.

DOCUMENTS RELIED UPON, AND WHERE THEY ARE AVAILABLE

Division 125 Pharmacy Technicians Permanent Administrative Order

[https://www.oregon.gov/pharmacy/Documents/Div\\_125\\_Pharmacy\\_Technicians\\_BP\\_18-2023TrackedChanges.pdf](https://www.oregon.gov/pharmacy/Documents/Div_125_Pharmacy_Technicians_BP_18-2023TrackedChanges.pdf)

[https://www.oregon.gov/pharmacy/Documents/Div\\_125\\_Prohibited\\_Practices\\_BP\\_32-2023TrackedChanges.pdf](https://www.oregon.gov/pharmacy/Documents/Div_125_Prohibited_Practices_BP_32-2023TrackedChanges.pdf)

[https://www.oregon.gov/pharmacy/Documents/Div\\_115\\_125\\_RPH\\_COPT\\_PT\\_Admin\\_Vaccines\\_BP\\_30-2023TrackedChanges.pdf](https://www.oregon.gov/pharmacy/Documents/Div_115_125_RPH_COPT_PT_Admin_Vaccines_BP_30-2023TrackedChanges.pdf)

---

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

The proposed rule repeal is not expected to affect racial equity in this state.

---

FISCAL AND ECONOMIC IMPACT:

The proposed rule repeal has no anticipated fiscal and economic 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).*

The proposed rule repeal will have no additional economic impact on state agencies, units of local government, the public or registrants or licensees who identify as a small business.

---

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

Small businesses were not involved in determining to repeal the rule. A notice of rulemaking hearing will be sent to interested parties, some of whom may identify as a small business and will have an opportunity to provide public comment on the proposed rule repeal.

---

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

The board adopted new Division 125 Pharmacy Technicians rules in August 2023 and December 2023, effective 3/1/2024. The nature of the proposed rule repeal does not require input from an advisory committee.

---

RULES PROPOSED:

855-025-0001, 855-025-0005, 855-025-0010, 855-025-0011, 855-025-0012, 855-025-0015, 855-025-0020, 855-025-0023, 855-025-0025, 855-025-0030, 855-025-0035, 855-025-0040, 855-025-0050

REPEAL: 855-025-0001

RULE SUMMARY: Repeals Division 025 Certified Oregon Pharmacy Technician and Pharmacy Technicians rules in its entirety. The board adopted Division 125 Pharmacy Technicians rules in August 2023 and December 2023 which replaces Division 025. Division 025 needs to be repealed effective at 11:59PM on 2/29/2024 to allow Division 125 rules to become effective at 12:00AM on 3/1/2024.

CHANGES TO RULE:

~~855-025-0001~~

~~Purpose and Scope~~

~~The purpose of the Pharmacy Technician (PT) license is to provide an opportunity for an individual to obtain competency in the role as a Pharmacy Technician. This license will allow an individual time to take and pass a national pharmacy technician certification examination, which is required to be eligible for licensure as a Certified~~

Oregon Pharmacy Technician (CPT). These rules facilitate the initial licensure of a nationally certified Pharmacy Technician seeking licensure in Oregon.

Statutory/Other Authority: 689.205

Statutes/Other Implemented: 689.225, 689.486

REPEAL: 855-025-0005

RULE SUMMARY: Repeals Division 025 Certified Oregon Pharmacy Technician and Pharmacy Technicians rules in its entirety. The board adopted Division 125 Pharmacy Technicians rules in August 2023 and December 2023 which replaces Division 025. Division 025 needs to be repealed effective at 11:59PM on 2/29/2024 to allow Division 125 rules to become effective at 12:00AM on 3/1/2024.

CHANGES TO RULE:

~~855-025-0005~~

~~Licensure: Qualifications – Pharmacy Technician or Certified Oregon Pharmacy Technician ¶¶~~

~~(1) To qualify for licensure as a Pharmacy Technician or Certified Oregon Pharmacy Technician, an applicant must demonstrate that the applicant is at least 18 years of age and has completed high school (or equivalent). ¶¶~~

~~(2) To qualify for licensure as a Certified Oregon Pharmacy Technician, the applicant must also demonstrate that the applicant has taken and passed a national pharmacy technician certification examination offered by: ¶¶~~

~~(a) Pharmacy Technician Certification Board (PTCB); or ¶¶~~

~~(b) National Healthcareer Association (NHA). ¶¶~~

~~(3) No person whose license has been denied, revoked, suspended or restricted by any healthcare professional regulatory board may be licensed as a Pharmacy Technician or Certified Oregon Pharmacy Technician unless the board determines that licensure will pose no danger to patients or to the public interest.~~

~~Statutory/Other Authority: ORS 689.205~~

~~Statutes/Other Implemented: ORS 689.225, ORS 689.486~~

REPEAL: 855-025-0010

RULE SUMMARY: Repeals Division 025 Certified Oregon Pharmacy Technician and Pharmacy Technicians rules in its entirety. The board adopted Division 125 Pharmacy Technicians rules in August 2023 and December 2023 which replaces Division 025. Division 025 needs to be repealed effective at 11:59PM on 2/29/2024 to allow Division 125 rules to become effective at 12:00AM on 3/1/2024.

CHANGES TO RULE:

~~855-025-0010~~

~~Licensure: Application – Pharmacy Technician ¶¶~~

- ~~(1) An application for licensure as a Pharmacy Technician may be accessed on the board website.¶¶~~
  - ~~(2) Failure to completely, accurately and honestly answer all questions on the application for licensure or renewal of licensure is grounds for discipline;¶¶~~
  - ~~(3) Failure to disclose any arrest for a felony or misdemeanor, or any indictment for a felony may result in denial of the application.¶¶~~
  - ~~(4) The board may issue a license to a qualified applicant after the receipt of:¶¶~~
    - ~~(a) A completed application;¶¶~~
    - ~~(b) Payment of the fee prescribed in OAR 855-110;¶¶~~
    - ~~(c) A current, passport regulation size photograph (full front, head to shoulders);¶¶~~
    - ~~(d) Personal identification or proof of identity; and¶¶~~
    - ~~(e) A completed national fingerprint-based background check.¶¶~~
  - ~~(5) The license of a Pharmacy Technician expires June 30 in even numbered years and may be renewed biennially.~~
- ~~Statutory/Other Authority: ORS 689.205~~
- ~~Statutes/Other Implemented: ORS 689.225, ORS 689.486~~

REPEAL: 855-025-0011

RULE SUMMARY: Repeals Division 025 Certified Oregon Pharmacy Technician and Pharmacy Technicians rules in its entirety. The board adopted Division 125 Pharmacy Technicians rules in August 2023 and December 2023 which replaces Division 025. Division 025 needs to be repealed effective at 11:59PM on 2/29/2024 to allow Division 125 rules to become effective at 12:00AM on 3/1/2024.

CHANGES TO RULE:

~~855-025-0011~~

~~Licensure: Renewal or Reinstatement- Pharmacy Technician~~

~~(1) An applicant for renewal of a Pharmacy Technician license must:~~

~~(a) Pay the biennial license fee required in OAR 855-110.~~

~~(b) Complete the continuing pharmacy education requirements as directed in OAR 855-021;~~

~~(c) Be subject to an annual criminal background check.~~

~~(2) A Pharmacy Technician who fails to renew their license by the expiration date and whose license has been lapsed for one year or less may apply to renew their license and must pay a late fee required in OAR 855-110.~~

~~(3) A Pharmacy Technician or who fails to renew their license by the expiration date and whose license has been lapsed for greater than one year may apply to reinstate their license as follows:~~

~~(a) Must apply per OAR 855-025-0010; and~~

~~(b) Provide certification of completion of 10 continuing education hours earned in the prior 12 months. These hours may not be counted toward a future renewal; and must include:~~

~~(A) One hour of continuing pharmacy education in pharmacy law;~~

~~(B) One hour of continuing pharmacy education in patient safety or error prevention; and~~

~~(C) One hour 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) Seven other hours of pharmacy technician-specific continuing education.~~

~~Statutory/Other Authority: ORS 689.205~~

~~Statutes/Other Implemented: ORS 689.225, ORS 689.486, ORS 413.450~~

REPEAL: 855-025-0012

RULE SUMMARY: Repeals Division 025 Certified Oregon Pharmacy Technician and Pharmacy Technicians rules in its entirety. The board adopted Division 125 Pharmacy Technicians rules in August 2023 and December 2023 which replaces Division 025. Division 025 needs to be repealed effective at 11:59PM on 2/29/2024 to allow Division 125 rules to become effective at 12:00AM on 3/1/2024.

CHANGES TO RULE:

~~855-025-0012~~

~~Licensure: Application – Certified Oregon Pharmacy Technician ¶¶~~

~~(1) An application for licensure as a Certified Oregon Pharmacy Technician may be accessed on the board website. ¶¶~~

~~(2) Failure to completely, accurately and honestly answer all questions on the application for licensure or renewal of licensure is grounds for discipline. ¶¶~~

~~(3) Failure to disclose any arrest for a felony or misdemeanor, or any indictment for a felony may result in denial of the application. ¶¶~~

~~(4) The board may issue a license to a qualified applicant after the receipt of: ¶¶~~

~~(a) A completed application; ¶¶~~

~~(b) Payment of the fee prescribed in OAR 855-110; ¶¶~~

~~(c) A current, passport regulation size photograph (full front, head to shoulders); ¶¶~~

~~(d) Personal identification or proof of identity; ¶¶~~

~~(e) A completed national fingerprint-based background check; and ¶¶~~

~~(f) Proof that the applicant has taken and passed a national pharmacy technician certification offered by the PTCB or the NHA. ¶¶~~

~~(5) The license of a Certified Oregon Pharmacy Technician expires June 30 in even numbered years and may be renewed biennially.~~

~~Statutory/Other Authority: ORS 689.205~~

~~Statutes/Other Implemented: ORS 689.225, ORS 689.486~~

REPEAL: 855-025-0015

RULE SUMMARY: Repeals Division 025 Certified Oregon Pharmacy Technician and Pharmacy Technicians rules in its entirety. The board adopted Division 125 Pharmacy Technicians rules in August 2023 and December 2023 which replaces Division 025. Division 025 needs to be repealed effective at 11:59PM on 2/29/2024 to allow Division 125 rules to become effective at 12:00AM on 3/1/2024.

CHANGES TO RULE:

~~855-025-0015~~

~~Licensure: Renewal or Reinstatement- Certified Oregon Pharmacy Technician ¶¶~~

~~(1) A person who has taken and passed a national pharmacy technician certification examination listed in OAR 855-025-0012(1)(a)-(b) may use the following title, and is referred to in these rules as, and is licensed as a "Certified Oregon Pharmacy Technician." ¶¶~~

~~(2) An applicant for renewal of a Certified Oregon Pharmacy Technician license must: ¶¶~~

~~(a) Pay the biennial license fee required in OAR 855-110; ¶¶~~

~~(b) Complete the continuing pharmacy education requirements as directed in OAR 855-021; and ¶¶~~

~~(c) Be subject to an annual criminal background check. ¶¶~~

~~(3) Continued national certification is not required to renew a license as a Certified Oregon Pharmacy Technician. ¶¶~~

~~(4) A Certified Oregon Pharmacy Technician who fails to renew their license by the expiration date and whose license has been lapsed for one year or less may renew their license and must pay a late fee required in OAR 855-110. ¶¶~~

~~(5) A Certified Oregon Pharmacy Technician who fails to renew their license by the expiration date and whose license has been lapsed for greater than one year may apply to reinstate their license as follows: ¶¶~~

~~(a) Must apply per OAR 855-025-0010; and ¶¶~~

~~(b) Provide certification of completion of 10 continuing education hours earned in the prior 12 months. These hours may not be counted toward a future renewal; and must include: ¶¶~~

~~(A) One hour of continuing pharmacy education in pharmacy law; ¶¶~~

~~(B) One hour of continuing pharmacy education in patient safety or error prevention; and ¶¶~~

~~(C) One hour 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) Seven other hours of pharmacy technician-specific continuing education.~~

~~Statutory/Other Authority: ORS 689.205~~

~~Statutes/Other Implemented: ORS 689.225, ORS 689.486, ORS 413.450~~



REPEAL: 855-025-0020

RULE SUMMARY: Repeals Division 025 Certified Oregon Pharmacy Technician and Pharmacy Technicians rules in its entirety. The board adopted Division 125 Pharmacy Technicians rules in August 2023 and December 2023 which replaces Division 025. Division 025 needs to be repealed effective at 11:59PM on 2/29/2024 to allow Division 125 rules to become effective at 12:00AM on 3/1/2024.

CHANGES TO RULE:

~~855-025-0020~~

~~Duty to Report~~

- ~~(1) Failure to answer completely, accurately and honestly, all questions on the application form for licensure or renewal of licensure is grounds for discipline.¶¶~~
- ~~(2) Failure to disclose any arrest for a felony or misdemeanor, or any indictment for a felony may result in denial of the application.¶¶~~
- ~~(3) A Pharmacy Technician or Certified Oregon Pharmacy Technician must report to the board within 10 days if they:¶¶~~
  - ~~(a) Are convicted of a misdemeanor or a felony; or¶¶~~
  - ~~(b) If they are arrested for a felony.¶¶~~
- ~~(4) A Pharmacy Technician or Certified Oregon Pharmacy Technician who has reasonable cause to believe that another licensee (of the board or any other Health Professional Regulatory Board) has engaged in prohibited or unprofessional conduct as these terms are defined in OAR 855-006-0005, must report that conduct to the board responsible for the licensee who is believed to have engaged in the conduct. The reporting Pharmacy Technician or Certified Oregon Pharmacy Technician must report the conduct without undue delay, but in no event later than 10 working days after the reporting Pharmacy Technician or Certified Oregon Pharmacy Technician learns of the conduct unless federal laws relating to confidentiality or the protection of health information prohibit disclosure.¶¶~~
- ~~(5) A Pharmacy Technician or Certified Oregon Pharmacy Technician who reports to a board in good faith as required by section (4) of this rule is immune from civil liability for making the report.¶¶~~
- ~~(6) A Pharmacy Technician or Certified Oregon Pharmacy Technician who has reasonable grounds to believe that prescription drugs or records have been lost or stolen, or any violation of these rules has occurred, must notify the board within 1 day.¶¶~~
- ~~(7) A Pharmacy Technician or Certified Oregon Pharmacy Technician must notify the board in writing, within 15 days, of any change in email address, employment location or residence address except that a Pharmacy Technician who is employed at more than one pharmacy need only report the name and address of the pharmacy at which the technician normally works the most hours.~~

~~Statutory/Other Authority: ORS 689.205~~

~~Statutes/Other Implemented: ORS 689.155, ORS 689.486~~

REPEAL: 855-025-0023

RULE SUMMARY: Repeals Division 025 Certified Oregon Pharmacy Technician and Pharmacy Technicians rules in its entirety. The board adopted Division 125 Pharmacy Technicians rules in August 2023 and December 2023 which replaces Division 025. Division 025 needs to be repealed effective at 11:59PM on 2/29/2024 to allow Division 125 rules to become effective at 12:00AM on 3/1/2024.

CHANGES TO RULE:

~~855-025-0023~~

~~Certified Oregon Pharmacy Technician and Pharmacy Technician: General Responsibilities~~

- ~~(1) A Certified Oregon Pharmacy Technician or Pharmacy Technician is responsible for their own actions; however, this does not absolve the Pharmacist and the pharmacy from responsibility for the Certified Oregon Pharmacy Technician or Pharmacy Technician's actions.¶¶~~
- ~~(2) A Certified Oregon Pharmacy Technician or Pharmacy Technician must:¶¶~~
  - ~~(a) Comply with all state and federal laws and rules governing the practice of pharmacy;¶¶~~
  - ~~(b) Only assist in the practice of pharmacy under the supervision, direction, and control of a Pharmacist;¶¶~~
  - ~~(c) Know the identity of the Pharmacist who is providing supervision, direction and control at all times;¶¶~~
  - ~~(d) Only work within the scope of duties permitted by their license;¶¶~~
  - ~~(e) Only perform duties they are trained to perform; and¶¶~~
  - ~~(f) Only access the pharmacy area when a Pharmacist is on duty.¶¶~~
- ~~(3) A Certified Oregon Pharmacy Technician or Pharmacy Technician may not engage in the practice of pharmacy as defined in ORS 689.005.¶¶~~
- ~~(4) A Certified Oregon Pharmacy Technician or Pharmacy Technician may perform final verification of the drug and dosage, device or product when:¶¶~~
  - ~~(a) The Pharmacist utilizes reasonable professional judgment to determine that a Certified Oregon Pharmacy Technician or Pharmacy Technician may perform final verification;¶¶~~
  - ~~(b) No discretion is needed;¶¶~~
  - ~~(c) The Pharmacist delegating final verification is supervising the Certified Oregon Pharmacy Technician or Pharmacy Technician; and¶¶~~
  - ~~(d) The Certified Oregon Pharmacy Technician or Pharmacy Technician is performing a physical final verification.~~

~~Statutory/Other Authority: ORS 689.205, 2022 HB 4034~~

~~Statutes/Other Implemented: ORS 689.155, 2022 HB 4034~~

REPEAL: 855-025-0025

RULE SUMMARY: Repeals Division 025 Certified Oregon Pharmacy Technician and Pharmacy Technicians rules in its entirety. The board adopted Division 125 Pharmacy Technicians rules in August 2023 and December 2023 which replaces Division 025. Division 025 needs to be repealed effective at 11:59PM on 2/29/2024 to allow Division 125 rules to become effective at 12:00AM on 3/1/2024.

CHANGES TO RULE:

~~855-025-0025~~

~~Use of Pharmacy Technicians and Certified Oregon Pharmacy Technicians~~

- ~~(1) A Pharmacist or pharmacy may use Pharmacy Technicians or Certified Oregon Pharmacy Technicians only as authorized by the rules of the Board.¶¶~~
- ~~(2) Pharmacy Technicians or Certified Oregon Pharmacy Technicians must be supervised by a Pharmacist.¶¶~~
- ~~(3) Pharmacists, Pharmacist Interns, Pharmacy Technicians and Certified Oregon Pharmacy Technicians must be clearly identified as such to the public.¶¶~~
- ~~(4) Work performed by Pharmacy Technicians and Certified Oregon Pharmacy Technicians assisting the Pharmacist to prepare medications must be verified by a Pharmacist prior to release for patient use. Verification must be documented, available and consistent with the standard of practice.¶¶~~
- ~~(5) The pharmacist-in-charge must prepare and maintain in the pharmacy written procedures that describe the tasks performed by Pharmacy Technicians or Certified Oregon Pharmacy Technicians, and the methods of verification and documentation of work performed by Pharmacy Technicians or Certified Oregon Pharmacy Technicians. Written procedures must be available for inspection by the Board or its representatives. The pharmacist-in-charge must review written procedures annually and document that review on the annual pharmacist-in-charge inspection sheet.¶¶~~
- ~~(6) Training:¶¶~~
  - ~~(a) The pharmacist-in-charge must outline, and each Pharmacy Technician or Certified Oregon Pharmacy Technician must complete initial training that includes on-the-job and related education that is commensurate with the tasks that the Pharmacy Technician or Certified Oregon Pharmacy Technician will perform, prior to the performance of those tasks.¶¶~~
  - ~~(b) The pharmacist-in-charge must ensure the continuing competency of Pharmacy Technicians or Certified Oregon Pharmacy Technicians.¶¶~~
  - ~~(c) The pharmacist-in-charge must document initial training of each Pharmacy Technician or Certified Oregon Pharmacy Technician and make that documentation available to the Board or its representatives upon request.¶¶~~
- ~~(7) Upon written request, the Board may waive any of the requirements of this rule upon a showing that a waiver will further public health or safety or the health or safety of a patient or other person. A waiver granted under this section is effective only when issued by the Board in writing.~~

~~Statutory/Other Authority: ORS 689.205~~

~~Statutes/Other Implemented: ORS 689.155~~

REPEAL: 855-025-0030

RULE SUMMARY: Repeals Division 025 Certified Oregon Pharmacy Technician and Pharmacy Technicians rules in its entirety. The board adopted Division 125 Pharmacy Technicians rules in August 2023 and December 2023 which replaces Division 025. Division 025 needs to be repealed effective at 11:59PM on 2/29/2024 to allow Division 125 rules to become effective at 12:00AM on 3/1/2024.

CHANGES TO RULE:

~~855-025-0030~~

~~Confidentiality~~

~~(1) No licensee of the Board who obtains any patient information shall disclose that information to a third-party without the consent of the patient except as provided in section two of this rule.¶¶~~

~~(2) A licensee may disclose patient information:¶¶~~

~~(a) To the Board;¶¶~~

~~(b) To a practitioner, Pharmacist, Pharmacy Technician, or Certified Oregon Pharmacy Technician, if disclosure is authorized by a Pharmacist who reasonably believes that disclosure is necessary to protect the patient's health or well-being; or¶¶~~

~~(c) To a third-party when disclosure is authorized or required by law; or¶¶~~

~~(d) As permitted pursuant to federal and state patient confidentiality laws.~~

~~Statutory/Other Authority: ORS 689.205~~

~~Statutes/Other Implemented: ORS 689.155~~

REPEAL: 855-025-0035

RULE SUMMARY: Repeals Division 025 Certified Oregon Pharmacy Technician and Pharmacy Technicians rules in its entirety. The board adopted Division 125 Pharmacy Technicians rules in August 2023 and December 2023 which replaces Division 025. Division 025 needs to be repealed effective at 11:59PM on 2/29/2024 to allow Division 125 rules to become effective at 12:00AM on 3/1/2024.

CHANGES TO RULE:

~~855-025-0035~~

~~Pharmacy and Pharmacist Responsibility for Supervising Pharmacy Technicians and Certified Oregon Pharmacy Technicians~~

~~(1) The supervising Pharmacist and the pharmacist-in-charge are responsible for the actions of Pharmacy Technicians or Certified Oregon Pharmacy Technicians. The use of Pharmacy Technicians or Certified Oregon Pharmacy Technicians to perform tasks not included in written procedures maintained by the pharmacy constitutes unprofessional conduct on the part of the supervising Pharmacist and the pharmacist-in-charge.¶¶~~

~~(2) The pharmacy must maintain on file and post the current license of each Pharmacy Technician or Certified Oregon Pharmacy Technician.¶¶~~

~~(3) Before allowing any person to work as a Pharmacy Technician or Certified Oregon Pharmacy Technician, the pharmacy and Pharmacist shall verify that the person is currently licensed as a Pharmacy Technician or Certified Oregon Pharmacy Technician.¶¶~~

~~(4) Prior to performing the duties of a Pharmacy Technician or Certified Oregon Pharmacy Technician, a person must provide to the Pharmacist or pharmacist-in-charge a copy of the person's current Pharmacy Technician license or current Certified Oregon Pharmacy Technician license.~~

~~Statutory/Other Authority: ORS 689.205~~

~~Statutes/Other Implemented: ORS 689.155~~

REPEAL: 855-025-0040

RULE SUMMARY: Repeals Division 025 Certified Oregon Pharmacy Technician and Pharmacy Technicians rules in its entirety. The board adopted Division 125 Pharmacy Technicians rules in August 2023 and December 2023 which replaces Division 025. Division 025 needs to be repealed effective at 11:59PM on 2/29/2024 to allow Division 125 rules to become effective at 12:00AM on 3/1/2024.

CHANGES TO RULE:

~~855-025-0040~~

~~Certified Oregon Pharmacy Technician and Pharmacy Technician: Tasks and Guidelines ¶¶~~

- ~~(1) Non-licensed pharmacy personnel may enter non-prescription information into a computer record system and may perform clerical duties such as filing prescriptions, delivery, housekeeping, and general record keeping, but the responsibility for the accuracy of the non-licensed pharmacy personnel's work lies with the Pharmacist.¶¶~~
- ~~(2) Only persons licensed with the board as a Certified Oregon Pharmacy Technician or Pharmacy Technician, acting in compliance with all applicable statutes and rules and under the supervision of a Pharmacist, may assist in the practice of pharmacy by the following:¶¶~~
- ~~(a) Packing, pouring or placing in a container for dispensing, sale, distribution, transfer possession of, any drug, medicine, poison, or chemical which, under the laws of the United States or the State of Oregon, may be sold or dispensed only on the prescription of a practitioner authorized by law to prescribe drugs, medicines, poisons, or chemicals.¶¶~~
- ~~(b) Reconstituting prescription medications. The supervising Pharmacist must verify the accuracy in all instances.¶¶~~
- ~~(c) Affixing required labels upon any container of drugs, medicines, poisons, or chemicals sold or dispensed upon prescription of a practitioner authorized by law to prescribe those drugs, medicines, poisons, or chemicals.¶¶~~
- ~~(d) Entering information into the pharmacy computer. The Certified Oregon Pharmacy Technician or Pharmacy Technician shall not make any decisions that require the exercise of judgment and that could affect patient care. The supervising Pharmacist must verify prescription information entered into the computer and is responsible for all aspects of the data and data entry.¶¶~~
- ~~(e) Initiating or accepting oral or electronic refill authorization from a practitioner or practitioner's agent, provided that nothing about the prescription is changed, and record the medical practitioner's name and medical practitioner's agent's name, if any;¶¶~~
- ~~(f) Prepackaging and labeling of multi-dose and unit-dose packages of medication. The Pharmacist must establish the procedures, including selection of containers, labels and lot numbers, and must verify the accuracy of the finished task.¶¶~~
- ~~(g) Picking doses for unit dose cart fill for a hospital or for a nursing home patient. The Pharmacist must verify the accuracy of the finished task unless the requirements of OAR 855-025-0023(4) are met.¶¶~~
- ~~(h) Checking nursing units in a hospital or nursing home for nonjudgmental tasks such as sanitation and out of date medication. Any problems or concerns shall be documented and initialed by a Pharmacist.¶¶~~
- ~~(i) Recording patient or medication information in computer systems for later verification by the Pharmacist.¶¶~~
- ~~(j) Bulk Compounding; Solutions for small volume injectables, sterile irrigating solutions, products prepared in relatively large volume for internal or external use by patients, and reagents or other products for the pharmacy or other departments of a hospital. The supervising Pharmacist must verify the accuracy in all instances.¶¶~~
- ~~(k) Preparation of parenteral products as follows:¶¶~~
- ~~(A) Performing functions involving reconstitution of single or multiple dosage units that are to be administered to a given patient as a unit. The supervising Pharmacist must verify the accuracy in all instances.¶¶~~
- ~~(B) Performing functions involving the addition of one manufacturer's single dose or multiple unit doses of the same product to another manufacturer's prepared unit to be administered to a patient. The supervising Pharmacist must verify the accuracy in all instances.¶¶~~
- ~~(l) Performing related activities approved in writing by the board.¶¶~~
- ~~(3) In order to protect the public, safety, health and welfare, Certified Oregon Pharmacy Technicians or Pharmacy Technicians shall not:¶¶~~
- ~~(a) Communicate or accept by oral communication a new or transferred prescription of any nature;¶¶~~
- ~~(b) Receive or transfer a prescription to another pharmacy without the prior verification of a Pharmacist.¶¶~~
- ~~(c) Provide a prescription or medication to a patient without a Pharmacist's verification of the accuracy of the dispensed prescription;¶¶~~
- ~~(d) Counsel a patient on medications or perform a drug utilization review;¶¶~~
- ~~(e) Perform any task that requires the professional judgment of a Pharmacist; or¶¶~~

(f) Engage in the practice of pharmacy as defined in ORS 689.  
Statutory/Other Authority: ORS 689.205, 2022 HB 4034  
Statutes/Other Implemented: ORS 689.155, 2022 HB 4034

REPEAL: 855-025-0050

RULE SUMMARY: Repeals Division 025 Certified Oregon Pharmacy Technician and Pharmacy Technicians rules in its entirety. The board adopted Division 125 Pharmacy Technicians rules in August 2023 and December 2023 which replaces Division 025. Division 025 needs to be repealed effective at 11:59PM on 2/29/2024 to allow Division 125 rules to become effective at 12:00AM on 3/1/2024.

CHANGES TO RULE:

~~855-025-0050~~

~~Grounds for Discipline of Pharmacy Technicians and Certified Oregon Pharmacy Technicians-~~

~~The State Board of Pharmacy may refuse to issue or renew; or may suspend, revoke, or restrict the license of a Pharmacy Technician or Certified Oregon Pharmacy Technician; or may impose a civil penalty upon a Pharmacy Technician or Certified Oregon Pharmacy Technician upon the following grounds including but not limited to:~~

~~(1) Unprofessional conduct as defined in OAR 855-006-0005;~~

~~(2) Repeated or gross negligence in performing the duties of a Pharmacy Technician or Certified Oregon Pharmacy Technician;~~

~~(3) Impairment, which means an inability to assist in the practice of pharmacy with reasonable competence and safety due to the habitual or excessive use of drugs or alcohol, other chemical dependency or a mental health condition;~~

~~(4) Being found guilty by the Board of a violation of the pharmacy or drug laws of this state or rules pertaining thereto or of statutes, rules or regulations of any other state or of the federal government;~~

~~(5) Being found guilty by a court of competent jurisdiction of a felony as defined by the laws of this state;~~

~~(6) Being found guilty by a court of competent jurisdiction of a violation of the pharmacy or drug laws of this state or rules pertaining thereto or of statutes, rules or regulations of any other state or of the federal government;~~

~~(7) Fraud or intentional misrepresentation in securing or attempting to secure the issuance or renewal of a Pharmacy Technician or Certified Oregon Pharmacy Technician license;~~

~~(8) Allowing an individual to engage in the duties of a Pharmacist, Pharmacy Technician or Certified Oregon Pharmacy Technician without a license or to use falsely the title of Pharmacist, Pharmacy Technician or Certified Oregon Pharmacy Technician;~~

~~(9) Being found by the Board to be in violation of any violation of any of the provisions of ORS 435.010 to 435.130, 453.025, 453.045, 475.035 to 475.190, 475.805 to 475.995 or 689.005 to 689.995 or the rules adopted pursuant thereto;~~

~~(10) Failure to appropriately perform the duties of a Pharmacy Technician or Certified Oregon Pharmacy Technician as outlined in OAR 855-025-0040 while assisting a Pharmacist in the practice of pharmacy as defined in ORS 689.005;~~

~~(11) Any act or practice relating to performing the duties of a Pharmacy Technician or Certified Oregon Pharmacy Technician which is prohibited by state or federal law or regulation; or~~

~~(12) Any conduct or practice by a Pharmacy Technician, Certified Oregon Pharmacy Technician or pharmacy that the Board determines is contrary to the accepted standards of practice.~~

~~Statutory/Other Authority: ORS 689.205~~

~~Statutes/Other Implemented: ORS 689.151, 689.405~~