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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**

12/22/2023 8:33 AM  
ARCHIVES DIVISION  
SECRETARY OF STATE

FILING CAPTION: Repeals Division 031; Interns

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.*

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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: 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 031 Intern rules in its entirety, effective at 11:59PM on 2/29/2024.

DOCUMENTS RELIED UPON, AND WHERE THEY ARE AVAILABLE

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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.

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FISCAL AND ECONOMIC IMPACT:

The proposed rule repeal has no anticipated fiscal and economic impact.

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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.

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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.

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

The board adopted new Division 120 Interns and Preceptors rules in August 2023, effective 3/1/2024. The nature of the proposed rule repeal does not require input from an advisory committee.

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RULES PROPOSED:

855-031-0005, 855-031-0010, 855-031-0016, 855-031-0020, 855-031-0026, 855-031-0030, 855-031-0045, 855-031-0050, 855-031-0055

REPEAL: 855-031-0005

RULE SUMMARY: Repeals Division 031 Interns rules in its entirety. The board adopted Division 120 Interns and Preceptors rules in August 2023, which replaces Division 031. Division 031 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:

~~855-031-0005~~

~~Definitions ¶~~

~~(1) An "intern" means any person who:¶~~

~~(a) Is enrolled in a course of study and is in good academic standing at a school or college of pharmacy that is approved by the Oregon Board of Pharmacy; or¶~~

~~(b) Is a graduate of a school or college of pharmacy that is approved by the board; or¶~~

~~(c) Is a foreign pharmacy graduate and holds a certificate from the Foreign Pharmacy Graduate Equivalency Committee (FPGEC); and¶~~

~~(d) Is licensed with the board as an intern.¶~~

(2) A "preceptor" means a pharmacist or a person licensed by the board to supervise the internship training of an intern.¶¶

(3) "Internship" means a professional experiential program or work experience.¶¶

(a) "Traditional Pharmacy practice Internship (TPI)" means experience toward achieving competency in the practice of pharmacy for which no academic credit is granted to the intern.¶¶

(b) "School-based Rotational Internship (SRI)" means experience toward achieving competency in the practice of pharmacy in programs developed and administered by a school of pharmacy.¶¶

(c) "Other Internship" means experience toward achieving competency in the practice of pharmacy, other than in an internship as defined in (a) or (b), in a program approved by a school of pharmacy or the board.¶¶

(4) "School of pharmacy": In this division of rules, "school of pharmacy" means a school or college of pharmacy that is approved by the board.

Statutory/Other Authority: ORS 689.151, ORS 689.205

Statutes/Other Implemented: ORS 689.255

REPEAL: 855-031-0010

RULE SUMMARY: Repeals Division 031 Interns rules in its entirety. The board adopted Division 120 Interns and Preceptors rules in August 2023, which replaces Division 031. Division 031 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:

**855-031-0010**

**Intern License Application**

- (1) Applications for licensure as an intern may be obtained from the board website.
  - (a) Failure to completely, accurately and honestly answer all questions on the application form for licensure or renewal of licensure is grounds for discipline;
  - (b) Failure to disclose any arrest for a felony or misdemeanor, or any indictment for a felony may result in denial of the application.
- (2) The board may issue a license to a qualified intern 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) Furnish documentation required to conduct a national fingerprint-based background check; and
  - (e) Confirmation from a school of pharmacy that the applicant is enrolled in a course of study, except for foreign pharmacy graduates who must:
    - (A) Provide a copy of a valid visa permitting full-time employment;
    - (B) Provide a copy of the original certificate issued by the Foreign Pharmacy Graduate Equivalency Examination Committee; and
    - (C) Provide evidence that they have passed the Test of English as a Foreign Language (TOEFL) Internet-based Test (IBT).
- (3) The board may issue an intern license after processing the application, however unless the applicant is a foreign graduate or an applicant for licensure by reciprocity, it is not valid until the intern has started a course of study. The initial license is valid until the last day of November following the second anniversary of issue unless terminated automatically by any one of the following events. Renewed licenses are valid for two years unless terminated automatically by any one of the following events:
  - (a) Licensure to practice pharmacy is granted in any state; or
  - (b) The licensee, other than a foreign pharmacy graduate or an applicant for licensure by reciprocity, fails to maintain enrollment or active registration in a pharmacy degree program for a period greater than one year; or
  - (c) The licensee, other than a foreign pharmacy graduate or an applicant for licensure by reciprocity, has been graduated from a school of pharmacy for 12 months;
  - (d) The intern is dismissed, terminated or expelled by the school of pharmacy, or withdraws from the program.
- (4) An intern must surrender their license to the board within 30 days of one of the above events.
- (5) Notwithstanding the requirements of section (3) above, upon written request the board may waive any of the requirements of this rule if a waiver will further public health and safety. A waiver granted under this section must only be effective when it is issued in writing.

[Publications: Publications referenced are available from the agency.]

Statutory/Other Authority: ORS 689.151, ORS 689.205

Statutes/Other Implemented: ORS 689.207, ORS 689.255, ORS 689.455

REPEAL: 855-031-0016

RULE SUMMARY: Repeals Division 031 Interns rules in its entirety. The board adopted Division 120 Interns and Preceptors rules in August 2023, which replaces Division 031. Division 031 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:

~~855-031-0016~~

~~Renewal of Licensure as an Intern~~

~~(1) An application for renewal of an intern license must include documentation of:~~

~~(a) Completion of continuing pharmacy education requirements as directed in OAR 855-021; and~~

~~(b) Payment of the license fee required in OAR 855-110.~~

~~(2) An intern will be subject to an annual criminal background check.~~

~~Statutory/Other Authority: ORS 689.205~~

~~Statutes/Other Implemented: ORS 689.151~~

REPEAL: 855-031-0020

RULE SUMMARY: Repeals Division 031 Interns rules in its entirety. The board adopted Division 120 Interns and Preceptors rules in August 2023, which replaces Division 031. Division 031 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:

~~855-031-0020~~

~~Intern Requirements and Responsibilities ¶¶~~

~~(1) A licensed intern may practice in any one or a combination of the following approved internship experience areas:¶¶~~

~~(a) Traditional Pharmacy practice Internship (TPI): an intern may not work in a TPI until after satisfactorily completing the first academic year in a school of pharmacy. An intern working in a TPI must be supervised by a licensed pharmacist or pharmacist preceptor;¶¶~~

~~(b) School-based Rotational Internship (SRI): an intern must be supervised by a licensed pharmacist or other person approved by a school of pharmacy to obtain credit for SRI hours;¶¶~~

~~(c) Other Internship.¶¶~~

~~(2) An intern may not work more than 48 hours per week in SRIs and must comply with all supervision and ratio requirements.¶¶~~

~~(3) An intern must verify that their preceptor is currently licensed with the board.¶¶~~

~~(4) An intern may not work in the practice of pharmacy unless supervised by a licensed pharmacist, except when an intern is working in a federal facility, however, to obtain credit for SRI experience in a federal facility located in Oregon, the intern must be licensed with the board.¶¶~~

~~(5) An intern who is working in a pharmacy or other place of business must conspicuously display their intern license in the pharmacy or place of business and must be clearly identified as an intern at all times.¶¶~~

~~(6) An intern may perform only the duties listed in Division 025 of this Chapter before completion of the first academic year in a school of pharmacy.¶¶~~

~~(7) An intern may, after successful completion of their first academic year, perform the duties of an intern listed in Division 019 of this Chapter, but only after successful completion of coursework corresponding to those duties at their school of pharmacy and only with the permission of their supervising pharmacist.¶¶~~

~~(8) An intern is responsible for his or her own actions and must comply with all board regulations.¶¶~~

~~(9) An intern must notify the board within 15 days of any change in their academic status that might affect their eligibility to work as an intern.¶¶~~

~~(10) An intern must notify the board in writing within 15 days of a change in permanent residence and TPI site.¶¶~~

~~(11) An intern must report to the board within 10 days if they are:¶¶~~

~~(a) Convicted of a misdemeanor or a felony; or¶¶~~

~~(b) Arrested for a felony.¶¶~~

~~(12) An intern 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 intern must report the conduct without undue delay, but in no event later than 10 working days after the intern learns of the conduct unless federal laws relating to confidentiality or the protection of health information prohibit disclosure.¶¶~~

~~(13) If needed by an intern for compliance with another board's requirement, an intern must maintain written or electronic records that support the number of TPI hours claimed by an intern and have those hours certified by a preceptor.¶¶~~

~~(14) An intern may make a voluntary report to the board on any preceptor's aptitude and professionalism in performing the duties of a preceptor. An intern must make such a report upon request by the board.~~

~~Statutory/Other Authority: ORS 689.151, ORS 689.205~~

~~Statutes/Other Implemented: ORS 689.255, ORS 689.455~~

REPEAL: 855-031-0026

RULE SUMMARY: Repeals Division 031 Interns rules in its entirety. The board adopted Division 120 Interns and Preceptors rules in August 2023, which replaces Division 031. Division 031 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:

~~855-031-0026~~

~~Ratio & Supervision ¶¶~~

~~(1) A Pharmacist may not supervise more than one Intern at a time at a TPI site who performs the duties of an Intern as listed in OAR 855-019-0200(6). A Pharmacist may supervise more than one Intern if only one intern performs the duties of an Intern as listed in OAR 855-019-0200(6) and if other Interns supervised by the Pharmacist perform the duties listed in OAR 855-025-0040.¶¶~~

~~(2) A preceptor may not supervise more than two Interns simultaneously during a shift at an SRI site where patient specific recommendations for care or medications are provided without prior written authorization of the board.¶¶~~

~~(3) With the written approval of a school of pharmacy, and when in their reasonable professional judgment it is appropriate, a preceptor may supervise up to 10 Interns at public health outreach programs such as informational health fairs that provide general information but not direct patient care.¶¶~~

~~(4) For immunization clinics, an immunizing Pharmacist may supervise up to two immunizing Interns.¶¶~~

~~(5) A licensed preceptor may delegate the preceptor responsibilities to another licensed Pharmacist or preceptor.¶¶~~

~~(6) The majority of an Intern's overall experience must be with a licensed Pharmacist preceptor.~~

~~Statutory/Other Authority: ORS 689.151, ORS 689.205~~

~~Statutes/Other Implemented: ORS 689.255~~

REPEAL: 855-031-0030

RULE SUMMARY: Repeals Division 031 Interns rules in its entirety. The board adopted Division 120 Interns and Preceptors rules in August 2023, which replaces Division 031. Division 031 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:

~~855-031-0030~~

~~Out-of-State Internship Experience~~

~~(1) In order for an Oregon intern to obtain credit for SRI experiences outside the State of Oregon, an intern must:~~

~~(a) Be licensed as required by state laws and rules in the state in which they will practice;~~

~~(b) Meet or exceed the minimum SRI requirements of the Board;~~

~~(2) In order for an out-of-state intern to practice in the State of Oregon, the intern must meet all requirements of these rules.~~

~~Statutory/Other Authority: ORS 689.151, 689.205~~

~~Statutes/Other Implemented: 689.255~~



REPEAL: 855-031-0045

RULE SUMMARY: Repeals Division 031 Interns rules in its entirety. The board adopted Division 120 Interns and Preceptors rules in August 2023, which replaces Division 031. Division 031 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:

~~855-031-0045~~

~~School and Preceptor Registration and Responsibilities~~

- ~~(1) A preceptor license may be issued by the Board upon receipt of a completed application.¶¶~~
- ~~(2) A pharmacist preceptor must have been an actively practicing pharmacist for at least one year immediately prior to supervising an intern.¶¶~~
- ~~(3) A preceptor license must be renewed biennially and will expire on June 30 in odd numbered years.¶¶~~
- ~~(4) The preceptor may report to the Board voluntarily, the progress and aptitude of an intern under the preceptor's supervision, or must do so upon request of the Board.¶¶~~
- ~~(5) The preceptor must be responsible for supervision of the majority of the intern's SRI hours and must provide the intern with internship experiences, which in the preceptor's judgment will increase the intern's competency in the practice of pharmacy.¶¶~~
- ~~(6) Before supervising an intern in an SRI program, a preceptor must complete any training program required by the school of pharmacy.¶¶~~
- ~~(7) A preceptor must advise each school of pharmacy when they are supervising students from more than one school at the same time. This applies to both in-state and out-of-state schools or colleges of pharmacy.¶¶~~
- ~~(8) A preceptor must verify that their intern is currently licensed with the Board.¶¶~~
- ~~(9) A pharmacist acting as a preceptor in a federal facility is not required to be licensed as a pharmacist in Oregon, but is required to be licensed as a preceptor with the Board.¶¶~~
- ~~(10) The school of pharmacy must maintain a record of each intern's SRIs. This record must be made available to the Board upon request.¶¶~~
- ~~(11) A school of pharmacy located in Oregon must submit a report on their experiential education program to the Board at the end of each academic year. This report must include the names of students who successfully completed the program and graduated from the school. The school must maintain a list of preceptors and SRI sites, in and out-of-state, approved by the school and must make this list available to the Board upon request.¶¶~~
- ~~(12) All records related to a student must be available for three years after the student graduates.~~

~~Statutory/Other Authority: ORS 689.151, 689.205~~

~~Statutes/Other Implemented: ORS 689.255~~

REPEAL: 855-031-0050

RULE SUMMARY: Repeals Division 031 Interns rules in its entirety. The board adopted Division 120 Interns and Preceptors rules in August 2023, which replaces Division 031. Division 031 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:

~~855-031-0050~~

~~Eligibility for Exams – Foreign Pharmacy Graduates~~

~~In addition to the other requirements of this Division, a foreign pharmacy graduate must complete 1440 internship hours before applying to take the Multistate Pharmacy Jurisprudence Examination (MPJE) and before applying for licensure as a pharmacist as specified in OAR 855-019-0150. Evidence of completing this requirement must be provided to the Board by the applicant and must be authenticated by each preceptor.~~

~~Statutory/Other Authority: ORS 689.151, 689.205~~

~~Statutes/Other Implemented: 689.255~~

REPEAL: 855-031-0055

RULE SUMMARY: Repeals Division 031 Interns rules in its entirety. The board adopted Division 120 Interns and Preceptors rules in August 2023, which replaces Division 031. Division 031 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:

~~855-031-0055~~

~~Eligibility for Exams and Pharmacist Licensure~~

~~(1) An intern is eligible to take the North American Pharmacist Licensure Examination (NAPLEX) and the MPJE, upon graduation and notification to the Board by the school of pharmacy that their degree, with not less than 1440 hours of SRI, has been conferred.~~

~~(2) Upon meeting all requirements for pharmacist licensure, and before practicing pharmacy in the State of Oregon, a person must:~~

~~(a) Complete an application for licensure including providing any fingerprint card or other documentation required by the Board to conduct a criminal background check;~~

~~(b) Pay the license fee as prescribed in OAR 855-110; and~~

~~(c) Obtain a license, which will expire on June 30 in odd numbered years.~~

~~Statutory/Other Authority: ORS 689.205~~

~~Statutes/Other Implemented: ORS 689.135, 689.207, 689.225, 689.275~~