



**NOTICE OF PROPOSED RULEMAKING**  
INCLUDING STATEMENT OF NEED & FISCAL IMPACT

CHAPTER 855  
**BOARD OF PHARMACY**

**FILED**

10/13/2025 2:49 PM  
ARCHIVES DIVISION  
SECRETARY OF STATE

FILING CAPTION: OHA Standing Order Prescription; Drug or Device

LAST DAY AND TIME TO OFFER COMMENT TO AGENCY: 11/25/2025 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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Filed By:  
Rachel Melvin  
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HEARING(S)

*Auxiliary aids for persons with disabilities are available upon advance request. Notify the contact listed above.*

DATE: 11/25/2025

TIME: 9:30 AM

OFFICER: Rachel Melvin

REMOTE HEARING DETAILS

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

PHONE NUMBER: 503-446-4951

CONFERENCE ID: 739529152

SPECIAL INSTRUCTIONS:

This hearing 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 and email address to

pharmacy.rulemaking@bop.oregon.gov. Please indicate which

rule(s) you would like to comment on.

You must submit written comments before 4:30PM on November 25, 2025. Email written comments to

pharmacy.rulemaking@bop.oregon.gov.

NEED FOR THE RULE(S)

Adds proposed language that when a patient is relying on a standing order prescription, a drug outlet and a pharmacist do not need to ensure that there is a patient-practitioner relationship and that the prescription contains the name and date of birth of the patient for whom the drug or device is prescribed.

DOCUMENTS RELIED UPON, AND WHERE THEY ARE AVAILABLE

2017 HB 3391 <https://olis.leg.state.or.us/liz/2017R1/Downloads/MeasureDocument/HB3391>

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

The proposed rule may increase patient accessibility for OTC birth control.

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FISCAL AND ECONOMIC IMPACT:

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

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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).*

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

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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 amend 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 amendment.

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

The resources involved in convening a RAC were not necessary to amend this rule.

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RULES PROPOSED:

855-041-1105, 855-115-0130

AMEND: 855-041-1105

**RULE SUMMARY:** Proposes to amend the rule by adding if the patient is relying on a standing order prescription issued by the Public Health Officer appointed under ORS 431.045, or a physician licensed under ORS chapter 677 who is employed by the Oregon Health Authority to obtain over-the-counter birth control, a drug or device, the drug outlet does not need to ensure that there is a patient-practitioner relationship as required in (1)(d) and that the prescription contains the name and date of birth of the patient for whom the drug is prescribed as required in (4). The proposed amendment may increase patient accessibility for over-the-counter birth control.

CHANGES TO RULE:

855-041-1105

Prescriptions: General Requirements ¶¶

Each Drug Outlet Pharmacy must ensure that:¶¶

(1) Prescriptions, prescription refills, and drug orders are dispensed:¶¶

- (a) Accurately;¶
- (b) To the correct party;¶
- (c) Pursuant to a valid prescription; ¶
- (d) Pursuant to a valid patient-practitioner relationship; ¶
- (e) For a legitimate medical purpose; and¶
- (f) In accordance with the prescribing practitioner's authorization. ¶
- (2) The following information is required for each new or refilled prescription drug or device: ¶
  - (a) The name and date of birth of the patient for whom the drug is prescribed, unless for an animal. If for an animal, the name of the patient, name of the owner and the species of the animal;¶
  - (b) The full name and contact phone number of the prescriber and, in the case of controlled substances, the address and the Drug Enforcement Administration registration number of the practitioner;¶
  - (c) The name, strength, dosage form of the substance, quantity prescribed and, if different from the quantity prescribed, the quantity dispensed;¶
  - (d) The directions for use; ¶
  - (e) The date of issuance and, if different from the date of issuance, the date of filling;¶
  - (f) The total number of refills authorized by the prescribing practitioner;¶
- (g) A valid signature:¶
  - (A) For non-controlled substances:¶
    - (i) Received by the pharmacy via a hard-copy written prescription, the prescribing practitioner or practitioner's agent manual signature. ¶
    - (ii) Received by the pharmacy via facsimile, the prescribing practitioner or practitioner's agent manual or electronic signature. ¶
    - (iii) Received by the pharmacy electronically, the prescribing practitioner's or practitioner's agent electronic signature.¶
  - (B) For controlled substances: ¶
    - (i) Received by the pharmacy via hard-copy written prescription, the prescription must have an original manually signed signature from the prescribing practitioner. ¶
    - (ii) Received by the pharmacy via facsimile, the prescription must have an original manually signed signature from the prescribing practitioner. ¶
    - (iii) Received by the pharmacy electronically, the prescribing practitioner's digital signature that complies with the rules adopted by reference in OAR 855-080.¶
- (C) In (g), manually signed specifically excludes a signature stamp or any form of electronic or digital signature unless permitted under federal regulations; and¶
- (h) Any other information required for controlled substances pursuant to federal regulations.¶
- (3) An oral prescription must be promptly reduced to writing or entered into an electronic record system and must include: ¶
  - (a) The name, initials or electronic identifier of the licensee receiving the prescription;¶
  - (b) The name of the person transmitting the prescription. ¶
- (4) The prescription contains all of the information specified in (2) and for controlled substances in OAR 855-080-0085.¶
- (5) In accordance with ORS 689.515(3) and ORS 689.522, the pharmacy dispenses the prescription pursuant to the prescribing practitioner's request that there may be no substitution for the specified brand name of a drug.¶
  - (a) For a hard copy prescription issued in writing or a prescription orally communicated over the telephone, instruction may use any one of the following phrases or notations:¶
    - (A) No substitution;¶
    - (B) N.S.;¶
    - (C) Brand medically necessary;¶
    - (D) Brand necessary;¶
    - (E) Medically necessary;¶
    - (F) D.A.W. (Dispense As Written); or¶
    - (G) Words with similar meaning.¶
  - (b) For an electronically transmitted prescription, the prescriber or prescriber's agent must clearly indicate substitution instructions by way of the text (without quotes) "brand medically necessary" or words with similar meaning, in the electronic prescription drug order, as well as all relevant electronic indicators sent as part of the electronic prescription transmission.¶
  - (c) Such instructions must not be default values on the prescription.¶
- (6) The written or electronic record of each prescription must be retained on file as required by OAR 855-041-1160, and in the case of controlled substances, under rules adopted by reference in OAR 855-080.¶
- (7) If the patient is relying on a standing order prescription issued by the Public Health Officer appointed under

ORS 431.045, or a physician licensed under ORS chapter 677 who is employed by the Oregon Health Authority, to obtain a drug or device, the drug outlet does not need to ensure that:

(a) There is a patient-practitioner relationship as required in subsection (1)(e)(D) of this rule; and

(b) The prescription contains the name and date of birth of the patient for whom the drug is prescribed.

Statutory/Other Authority: ORS 689.205, ORS 689.522

Statutes/Other Implemented: ORS 689.505, ORS 689.515, ORS 689.522

AMEND: 855-115-0130

RULE SUMMARY: Proposes to amend the rule by adding if the patient is relying on a standing order prescription issued by the Public Health Officer appointed under ORS 431.045, or a physician licensed under ORS chapter 677 who is employed by the Oregon Health Authority to obtain over-the-counter birth control a drug or device, the pharmacist does not need to ensure that there is a patient-practitioner relationship as required in subsection (1)(e)(D) and that the prescription contains the name and date of birth of the patient for whom the drug is prescribed. The proposed amendment may increase patient accessibility for an over-the-counter birth control.

CHANGES TO RULE:

855-115-0130

Responsibilities: Practicing Pharmacy for a Drug Outlet

- (1) When practicing pharmacy per ORS 689 for a Drug Outlet, each Pharmacist must:¶
- (a) Be responsible for the daily conduct, operation, management and control of the Drug Outlet pharmacy;¶
  - (b) Ensure that only a Pharmacist has access to the Drug Outlet pharmacy when the pharmacy is closed, except as permitted in OAR 855-041-6310;¶
  - (c) Ensure each prescription contains all the elements required in OAR 855-041 or OAR 855-139; ¶
  - (d) Ensure the patient record contains the elements required in OAR 855-041 or OAR 855-139;¶
  - (e) Ensure prescriptions, prescription refills, and drug orders are dispensed:¶
    - (A) Accurately;¶
    - (B) To the correct party;¶
    - (C) Pursuant to a valid prescription; ¶
    - (D) Pursuant to a valid patient-practitioner relationship; and ¶
    - (E) For a legitimate medical purpose;¶
  - (f) Ensure the Drug Outlet pharmacy is operated in a professional manner at all times; ¶
  - (g) Ensure the drug outlet reports data as required by federal and state regulations, including but not limited to:¶
    - (A) Prescription Drug Monitoring Program (PDMP) per ORS 413A.890, ORS 413A.895, ORS 413A.896, ORS 413A.898, and OAR 333-023;¶
    - (B) Death with Dignity per ORS 127.800, ORS 127.805, ORS 127.810, ORS 127.815, ORS 127.820, ORS 127.825, ORS 127.830, ORS 127.835, ORS 127.840, ORS 127.845, ORS 127.850, ORS 127.855, ORS 127.860, ORS 127.865, ORS 127.870, ORS 127.875, ORS 127.880, ORS 127.885, ORS 127.890, ORS 127.892, ORS 127.895, ORS 127.897, and OAR 333-009;¶
    - (C) Controlled substances per 21 CFR 1301.74 (v. 04/01/2024); and¶
    - (D) Listed chemicals per 21 CFR 1310.05 (v. 04/01/2024); and¶
- (2) A Pharmacist who utilizes licensees remotely, must comply with OAR 855-041-3200 through OAR 855-041-3250.¶
- (3) When engaging in the practice of pharmacy per ORS 689, each Pharmacist may delegate final verification of drug and drug dosage, device, or product to a Certified Oregon Pharmacy Technician or Pharmacy Technician per ORS 689.005 when the following conditions are met:¶
- (a) The Pharmacist utilizes reasonable professional judgment to determine that a Certified Oregon Pharmacy Technician or Pharmacy Technician may perform final verification;¶
  - (b) The Certified Oregon Pharmacy Technician or Pharmacy Technician does not use discretion in conducting final verification;¶
  - (c) The Pharmacist delegating final verification is supervising the Certified Oregon Pharmacy Technician or Pharmacy Technician; and¶
  - (d) Ensure the Certified Oregon Pharmacy Technician or Pharmacy Technician is performing a physical final verification. ¶
- (4) If the patient is relying on a standing order prescription issued by the Public Health Officer appointed under ORS 431.045, or a physician licensed under ORS chapter 677 who is employed by the Oregon Health Authority, to obtain a drug or device, the Pharmacist does not need to ensure that:¶
- (a) There is a patient-practitioner relationship as required in subsection (1)(e)(D) of this rule; and¶
  - (b) The prescription contains the name and date of birth of the patient for whom the drug is prescribed.¶

[Publications: Publications referenced are available for review at the agency.]

Statutory/Other Authority: ORS 689.205

Statutes/Other Implemented: ORS 689.155, ORS 689.703