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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 8:41 AM
ARCHIVES DIVISION
SECRETARY OF STATE

FILING CAPTION: Applicability of Pharmacy Practice Regulations and Licensing Requirements for Pharmacists

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: 503-446-5951

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/

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)

Proposed new rule relocates and revises OAR 855-019-0100 related to applicability of pharmacy practice regulations and licensing requirements for pharmacists.

DOCUMENTS RELIED UPON, AND WHERE THEY ARE AVAILABLE

None available

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

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

FISCAL AND ECONOMIC IMPACT:

No fiscal anticipated. When the board sends the proposed rule to a rulemaking hearing, licensees, registrants and interested parties 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 proposed rule will have no additional economic impact on state agencies, units of local government, or the public.

(2)(a)The proposed rule 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?

The resources involved in convening a RAC were not necessary to amend this rule. Board members represent the interests of persons and communities likely to be affected by a proposed rule and were able to provide information necessary to draft the proposed rule.

ADOPT: 855-115-0001

RULE SUMMARY: Proposed new rule relocates and revises existing rule language from OAR 855-019-0100 to OAR 855-115-0001 related to applicability. Removes provision for Interns that is now included in OAR 855-120-0135 and removes board waiver of rule. Clarifies which pharmacists working for out-of-state pharmacies must be licensed by the board.

CHANGES TO RULE:

855-115-0001

Applicability

(1) This Division applies to any Pharmacist who engages in the practice of pharmacy.¶

(2) Only persons licensed with the board as a Pharmacist may practice pharmacy and must act in compliance with

statutes and rules unless exempt under ORS 689.225. ¶

(3) A pharmacist who is located in another state and who engages in the practice of pharmacy for a patient, drug outlet or healthcare facility in Oregon, must be licensed by the Board in accordance with the following rules, except that a pharmacist working for an out-of-state pharmacy, who only performs the professional tasks of interpretation, evaluation, DUR, counseling and verification associated with their dispensing of a drug to a patient in Oregon, is not required to be licensed by the Board unless they are the pharmacist-in-charge (PIC).

Statutory/Other Authority: ORS 689.205

Statutes/Other Implemented: ORS 689.151, ORS 689.255