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FILING CAPTION: Pharmacists; Supervision, Counseling, PIC Qualifications & Limitations

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RULES:

855-115-0122, 855-115-0145, 855-115-0205

ADOPT: 855-115-0122

NOTICE FILED DATE: 10/19/2023

RULE SUMMARY: New rule that applies to all Pharmacists and aligns with previously adopted rule in OAR 855-120-1122 Responsibilities: Supervision- Preceptor. Permits a Pharmacist to supervise up to four Interns for direct patient care activities and supervise a suitable number for non-direct care activities. Clarifies in rule that the limit for supervision, direction and control of a COPT/PT is as determined by Pharmacist.

CHANGES TO RULE:

855-115-0122

Responsibilities: Supervision

(1) When supervising a Certified Oregon Pharmacy Technician or Pharmacy Technician, each Pharmacist may supervise as many Certified Oregon Pharmacy Technicians or Pharmacy Technicians as they believe in their reasonable professional judgment is appropriate to promote and protect patient health, safety and welfare.

(2) When supervising an Intern, each Pharmacist may supervise:

(a) No more than four Interns participating in direct patient care activities.

(b) As many Interns as they believe in their reasonable professional judgment is appropriate to promote and protect patient health, safety and welfare for Interns participating in non-direct patient care activities such as informational health fairs that provide general information, but not patient-specific information.

Statutory/Other Authority: ORS 689.205

Statutes/Other Implemented: ORS 689.155

RULE SUMMARY: Proposed rule relocates and revises existing rule from OAR 855-019-0230 to OAR 855-115-0145 related to counseling. Clarifies circumstances that require a Pharmacist to provide counseling, removes reference to Intern provided counseling that is now included in OAR 855-120-0135, introduces provisions for written counseling, requires supplemental information when required by federal law, permits any board licensee to offer for a pharmacist to provide counseling or accept declination of offer for pharmacist counseling and adds requirements for documentation of the licensee's identity for counseling, attempts to counsel or declination of counseling.

CHANGES TO RULE:

855-115-0145

Counseling

(1) For each prescription, the pharmacist must determine the manner and amount of counseling that is reasonable and necessary under the circumstance to promote safe and effective use or administration of the drug or device, and to facilitate an appropriate therapeutic outcome for that patient.¶

(2) Counseling must be provided or offered to be provided to the patient or patient's agent on the use of a drug or device:¶

(a) When the drug or device has not been previously dispensed to the patient by the Drug Outlet pharmacy;¶

(b) When there has been a change in the dose, formulation, or directions;¶

(c) When the prescription has been transferred to the Drug Outlet pharmacy by oral, written or electronic means; or¶

(d) For any refill that the pharmacist deems counseling is necessary. ¶

(3) An offer for the pharmacist to counsel under (1) and (2) must be made by a licensee.¶

(4) The pharmacist must counsel the patient or patient's agent on the use of a drug or device upon request.¶

(5) When communicating (e.g., counseling, patient care services, billing) with a patient who prefers to communicate in a language other than English or who communicates in signed language, the pharmacist must work with a health care interpreter from the health care interpreter registry administered by the Oregon Health Authority under ORS 413.558 unless the pharmacist is proficient in the patient's preferred language.¶

(6) For a prescription where counseling has only been provided in writing, the pharmacist must provide drug information in a format accessible by the patient, including information on when the pharmacist is available and how the patient or patient's agent may contact the pharmacist.¶

(7) A pharmacist is not required to counsel a patient or patient's agent when the patient or patient's agent refuses such consultation. If refused:¶

(a) Only a licensee can accept a patient's or patient's agent's request not to be counseled, when counseling is required.¶

(b) The pharmacist may choose not to release the prescription until counseling has been completed.¶

(8) Counseling must be provided under conditions that maintain patient privacy and confidentiality.¶

(9) Counseling, offers to counsel or declinations of counseling regarding prescriptions must be documented with the licensee's identity.¶

(10) Additional forms of drug information (e.g., Medication Guide, Patient Package Inserts, Instructions for Use) must be used to supplement counseling when required by federal law or rule.

Statutory/Other Authority: ORS 689.205

Statutes/Other Implemented: ORS 689.151, ORS 689.155

ADOPT: 855-115-0205

NOTICE FILED DATE: 10/19/2023

RULE SUMMARY: Proposed new rule relocates and revises PIC qualifications and limitations currently in rule from OAR 855-019-0300. Adds additional requirement that PIC must be employed by the outlet. Effective 7/1/2025, requires that PIC complete PIC training course at least every 5 years.

CHANGES TO RULE:

855-115-0205

Pharmacist-in-Charge: Qualifications and Limitations

(1) In order to be a Pharmacist-in-Charge (PIC), a Pharmacist must have:

(a) Completed at least one year of pharmacy practice; or

(b) Completed a board provided PIC training course either before the appointment or within 90 days after the appointment; and

(c) Be employed by the outlet.

(2) A Pharmacist must not be designated PIC of more than three pharmacies. The following drug outlet types do not count towards this limit:

(a) Pharmacy Prescription Kiosks in OAR 855-141; and

(b) Pharmacy Prescription Lockers in OAR 855-143.

(3) Effective July 1, 2025, in order to be a Pharmacist-in-Charge (PIC), a Pharmacist must complete a board provided PIC training course at least every five years.

Statutory/Other Authority: ORS 689.205

Statutes/Other Implemented: ORS 689.151, ORS 689.155