



NOTICE OF PROPOSED RULEMAKING INCLUDING STATEMENT OF NEED & FISCAL IMPACT

CHAPTER 855
BOARD OF PHARMACY

FILED

06/16/2023 1:07 PM
ARCHIVES DIVISION
SECRETARY OF STATE

FILING CAPTION: Proactive procedural rule review; Creates new Division 120 for Interns and Preceptors

LAST DAY AND TIME TO OFFER COMMENT TO AGENCY: 07/26/2023 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:
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HEARING(S)

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

DATE: 07/26/2023

TIME: 9:30 AM

OFFICER: Rachel Melvin

HEARING LOCATION

ADDRESS: Oregon Board of Pharmacy - Virtual Meeting, 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: 627978258

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 July 26, 2023. Email written comments to pharmacy.rulemaking@bop.oregon.gov.

NEED FOR THE RULE(S)

Creates a new Division 120 for Interns and Preceptors. Proposes relocating and reorganizing existing Intern rules from Division 031. After the board permanently adopts and publishes Division 120, repeals Division 031 on the effective date of Division 120.

DOCUMENTS RELIED UPON, AND WHERE THEY ARE AVAILABLE

OBOP 2022-2026 Strategic Plan https://www.oregon.gov/pharmacy/Documents/OBOP_Strategic_Plan_2022-2026.pdf

Accreditation Council for Pharmacy Education (ACPE) Accreditation Standards and Key Elements for the Professional Program Leading to the Doctor of Pharmacy Degree (2016) <https://www.acpe-accredit.org/pdf/Standards2016FINAL2022.pdf>

Foreign Pharmacy Graduate Examination Committee (FPGEC) Candidate Application Bulletin (2023) https://read.nxtbook.com/nabp/bulletin/fpgec_bulletin/cover.html

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

Reorganizing proposed rules may provide clarity, transparency and promote patient safety, no effects on racial equity are anticipated. Ensuring licensees and registrants can easily locate licensure and compliance requirements will positively impact all Oregonians in all communities.

FISCAL AND ECONOMIC IMPACT:

None anticipated.

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.

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

Small businesses were not involved in the development of proposed revisions to these rules.

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

A Workgroup was convened per the board's direction.

RULES PROPOSED:

855-120-0001, 855-120-0005, 855-120-0010, 855-120-0030, 855-120-0035, 855-120-0040, 855-120-0050, 855-120-0105, 855-120-0110, 855-120-0115, 855-120-0135, 855-120-0150, 855-120-0155, 855-120-0190, 855-120-0195, 855-120-1010, 855-120-1030, 855-120-1040, 855-120-1050, 855-120-1070, 855-120-1110, 855-120-1115, 855-120-1122, 855-120-1150, 855-120-1155, 855-120-1205

ADOPT: 855-120-0001

RULE SUMMARY: Proposed new rule adds applicability requirements for Interns.

CHANGES TO RULE:

855-120-0001

Applicability

This Division applies to any individual who is:

(1) Enrolled in or has completed a Bachelor or Doctor of Pharmacy at a College of Pharmacy or School of Pharmacy (COP or SOP) or is certified by the Foreign Pharmacy Graduate Examination Committee (FPGEC), and who acts as Intern; or

(2) Licensed by the board as a Preceptor to supervise an Intern.

Statutory/Other Authority: ORS 689.205

Statutes/Other Implemented: ORS 689.225

ADOPT: 855-120-0005

RULE SUMMARY: Proposed rule revises and relocates existing rule OAR 855-031-0005 to OAR 855-120-0005 related to Intern definitions.

CHANGES TO RULE:

855-120-0005

Definitions

(1) "ACPE accredited" means a college or school of pharmacy that is accredited, accredited with probation, pre-candidate or candidate status by Accreditation Council for Pharmacy Education (v. 5/2023) including the Lebanese American University school in Byblos, Lebanon after 2002.¶

(2) "College of Pharmacy or School of Pharmacy (COP or SOP)" means an ACPE accredited college or school of pharmacy.¶

(3) "Healthcare Preceptor" means a pharmacist, or person with an active healthcare license in good standing that can independently practice pharmacy within the scope of their licensure and is licensed by the board to supervise the internship training of a licensed Intern.¶

(4) "Intern" means a person who is enrolled in or has completed a course of study at a board approved college or school of pharmacy and who is licensed with the board as an Intern.¶

(5) "Internship Program" means a professional experiential program that is approved by the board.¶

(6) "Internship Program Supervisor " is a Pharmacist licensed with the board as a Preceptor who supervises the Internship Program for a COP or SOP located in Oregon.¶

(7) "Other Preceptor" means a person who is not licensed as a pharmacist or other healthcare provider in Oregon and is licensed by the board to supervise the internship training of a licensed Intern.¶

(8) "Preceptor" means a Pharmacist or a person licensed by the board to supervise the internship training of a licensed Intern.

Statutory/Other Authority: ORS 689.205

Statutes/Other Implemented: ORS 689.151, ORS 689.155

ADOPT: 855-120-0010

RULE SUMMARY: Proposed new rule adds qualifications for applicants applying for licensure as an Intern.

CHANGES TO RULE:

855-120-0010

Licensure: Qualifications - Intern

(1) To qualify for licensure as an Intern, an applicant must provide proof that they:

(a) Are enrolled in a Doctor of Pharmacy program at a COP or SOP; or

(b) Have graduated with a Bachelor or Doctor of Pharmacy degree from a COP or SOP for the purpose of obtaining the qualifications to apply for a Pharmacist license; or

(c) Have graduated with a Bachelor, Master or Doctor of Pharmacy degree from a foreign college or school of pharmacy and are:

(A) Pursuing an Intern license for the purpose of obtaining the qualifications to apply for a Pharmacist license; and

(B) Certified by the Foreign Pharmacy Graduate Examination Committee (FPGEC). Graduates between 1993 and June 30, 2004 of a Canadian Council for Accreditation of Pharmacy Programs (CCAPP) accredited pharmacy program located in Canada or its jurisdiction with a curriculum taught in English do not have to submit certification from the FPGEC but must meet all other requirements under this rule for an FPGEC certified intern.

(2) If residing in the United States, an applicant must provide proof of citizenship, legal permanent residency or qualifying visa as required by 8 USC 1621.

Statutory/Other Authority: ORS 689.205

Statutes/Other Implemented: ORS 689.151, ORS 689.255

ADOPT: 855-120-0030

RULE SUMMARY: Proposed rule revises and relocates existing rule OAR 855-031-0010 to OAR 855-120-0030 related to application requirements for licensure as an Intern.

CHANGES TO RULE:

855-120-0030

Licensure: Application - Intern

(1) An application for licensure as an Intern may be accessed on the board website.¶

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

(a) Documentation required in OAR 855-120-0030 and for FPGEC certified documentation required in OAR 855-120-0015; and¶

(b) A completed application including:¶

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

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

(C) Personal identification or proof of identity; ¶

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

(E) A completed moral turpitude statement or a written description and documentation regarding all conduct that is required to be disclosed.¶

(3) Penalties may be imposed for: ¶

(a) Failure to completely and accurately answer each question on the application for licensure or renewal of licensure;¶

(b) Failure to disclose any requested information on the application;¶

(c) Failure to respond to requests for information resulting from the application; ¶

(d) Any other grounds found in ORS 689.405.¶

(4) An application submitted to the board that is not complete within 90 days from applicant submission will be expired. Once expired, an applicant who wishes to continue with the application process must reapply by submitting a new application, along with all documentation, and all fees. While a new application and documentation is required, the board may still consider information that was provided in previous applications. ¶

(5) The license of an Intern expires November 30 and may be renewed as follows:¶

(a) Biennially prior to graduation from a COP or SOP.¶

(b) Once after graduation from a COP or SOP.¶

(c) Once if FPGEC certified or a graduate of a CCAPP program between 1993 and June 30, 2004.

Statutory/Other Authority: ORS 689.205

Statutes/Other Implemented: ORS 689.151

ADOPT: 855-120-0035

RULE SUMMARY: Proposed rule revises and relocates existing rule OAR 855-031-0016 to OAR 855-120-0035 related to requirements when renewing or reinstating an Intern license.

CHANGES TO RULE:

855-120-0035

Licensure: Renewal or Reinstatement - Intern

(1) When applying for renewal of an Intern license, an applicant must:

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

(b) Complete the continuing pharmacy education requirements as directed in OAR 855-135;

(c) Be subject to a criminal background check; and

(d) Provide a written description and documentation regarding all conduct that is required to be disclosed.

(2) An Intern 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.

(3) An Intern 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 per OAR 855-120-0010; and

(4) A person whose Intern license has been suspended, revoked or restricted has the right, at reasonable intervals, to petition to the board in writing for reinstatement of such license pursuant to ORS 689.445 may apply to reinstate per OAR 855-120-0010.

Statutory/Other Authority: ORS 689.205

Statutes/Other Implemented: ORS 689.151, ORS 689.275, ORS 689.445

ADOPT: 855-120-0040

RULE SUMMARY: Proposed new rule adds requirements for licensee's who wish to lapse their Intern license.

CHANGES TO RULE:

855-120-0040

Licensure: Lapse - Intern

(1) An Intern may let their license lapse by failing to renew or request that the board accept the lapse of their license prior to the expiration date:¶

(a) Lapse of a license is not discipline.¶

(b) The board has jurisdiction to proceed with any investigation or any action or disciplinary proceeding against the licensee.¶

(c) A person may not practice as an Intern if the license is lapsed.¶

(d) A person may apply for renewal according to OAR 855-120-0035.¶

(2) If a person requests lapse prior to the expiration date of the license, the following applies:¶

(a) The license remains in effect until the board accepts the lapse.¶

¶

(b) If the board accepts the lapse, the board will notify the licensee of the date the license terminates.¶

(c) The board may not accept the lapse if an investigation of or disciplinary action against the licensee is pending.¶

(d) The licensee must return the license to the board within 10 days of the board accepting the lapse.

Statutory/Other Authority: ORS 689.205

Statutes/Other Implemented: ORS 689.153

ADOPT: 855-120-0050

RULE SUMMARY: Proposed new rule adds requirements for licensee's who wish to voluntarily surrender their Intern license.

CHANGES TO RULE:

855-120-0050

Licensure: Voluntary Surrender - Intern

An Intern may request that the board accept the voluntary surrender of their license.¶

(1) A voluntary surrender of a license is discipline. ¶

(2) The license remains in effect until the board accepts the surrender.¶

(3) If the board accepts a request for voluntary surrender, the board will issue a final order terminating the license, signed by the licensee and a board representative. The termination date is the date is signed by all parties and served on the licensee. ¶

(4) The licensee must cease practicing as an Intern from the date the license terminates.¶

(5) A voluntarily surrendered license may not be renewed. A former licensee who wants to obtain a license must apply for a license per OAR 855-120-0030 unless the final order prohibits the licensee from doing so.¶

(6) The board has jurisdiction to proceed with any investigation or any action or disciplinary proceeding against the licensee.

Statutory/Other Authority: ORS 689.205

Statutes/Other Implemented: ORS 689.153

RULE SUMMARY: Proposed rule revises and relocates portions of existing rule in OAR 855-031-0020 to OAR 855-120-0105 related to general responsibilities for Interns.

CHANGES TO RULE:

855-120-0105

Responsibilities: General - Intern

- (1) Each Intern is responsible for their own actions; however, this does not absolve the supervising Pharmacist or Preceptor and the pharmacy from responsibility for the Intern's actions.¶
- (2) An Intern is responsible for recognizing the limits of their knowledge and experience and for resolving situations beyond their expertise by consulting with the supervising Pharmacist or Preceptor.¶
- (3) An Intern must:¶
 - (a) Comply with all state and federal laws and rules governing the practice of pharmacy;¶
 - (b) Only engage in the practice of pharmacy under the supervision of a Pharmacist or Healthcare Preceptor;¶
 - (A) After successful completion of academic coursework corresponding to those tasks; and¶
 - (B) When permitted by the supervising Pharmacist or Healthcare Preceptor;¶
 - (c) Only work within the scope of duties permitted by their license and by the supervising Pharmacist or Healthcare Preceptor;¶
 - (d) Know the identity of the supervising Pharmacist or Preceptor at all times;¶
 - (e) Only perform tasks they are trained and competent to perform;¶
 - (f) Appropriately perform the tasks permitted; ¶
 - (g) Only access the pharmacy area when a Pharmacist is physically present;¶
 - (h) Be clearly identified as an Intern in all interactions and communications (e.g., nametag, phone interaction, chart notations);¶
 - (i) Display in plain sight the Intern license within the pharmacy or place of business to which it applies; ¶
 - (j) Review and adhere to written policies and procedures. The review must:¶
 - (A) Occur prior to engaging in the practice of pharmacy as an Intern; ¶
 - (B) Occur with each update to the policies and procedures; and¶
 - (C) Be documented and records retained according to OAR 855-104-0055; ¶
 - (k) Dispense and deliver prescriptions accurately and to the correct party; and¶
 - (l) For hours earned in an Internship Program, must verify that their Preceptor is currently licensed with the board as a Preceptor.¶
- (4) An Intern may not work more than 50 hours per week in an Internship Program and must comply with all supervision and ratio requirements.¶
- (5) An Intern may perform the duties of a pharmacy technician under the supervision of a Pharmacist so long as they adhere to the rules in OAR 855-125. When solely performing technician duties under the supervision of a Pharmacist the ratios in OAR 855-120-1122 do not apply.

Statutory/Other Authority: ORS 689.205

Statutes/Other Implemented: ORS 689.155

ADOPT: 855-120-0110

RULE SUMMARY: Proposed new rule adds compliance requirements for Interns related to confidentiality.

CHANGES TO RULE:

855-120-0110

Responsibilities: Confidentiality - Intern

Each Intern must comply with OAR 855-104-0015 regarding confidentiality.

Statutory/Other Authority: ORS 689.205, ORS 689.305, ORS 689.315

Statutes/Other Implemented: ORS 689.155

ADOPT: 855-120-0115

RULE SUMMARY: Proposed rule revises and relocates portions of existing rule in OAR 855-031-0020 to OAR 855-120-0115 related to duty to report requirements for Interns.

CHANGES TO RULE:

855-120-0115

Responsibilities: Duty to Report - Intern

Each Intern must report to the board as required by OAR 855-104-0010. In addition, unless state or federal laws relating to confidentiality or the protection of health information prohibit disclosure, each Intern must report to the board without undue delay, but within 10 working days if they:

(1) Have been removed from an Internship Program site for reasons including but not limited to patient safety, unprofessional conduct or suspected violation of ORS 475, ORS 689 or OAR 855; or

(2) Have been dismissed from the Doctor of Pharmacy degree program.

(3) For (1) and (2) the Intern must report the date and reason for the removal or dismissal.

Statutory/Other Authority: ORS 689.205

Statutes/Other Implemented: ORS 676.150, ORS 689.151, ORS 689.155, ORS 689.455

ADOPT: 855-120-0135

RULE SUMMARY: Proposed new rule adds permitted practices for Interns.

CHANGES TO RULE:

855-120-0135

Responsibilities: Permitted Practices - Intern

Interns must only practice pharmacy as authorized by the rules of the board and as permitted by the supervising Pharmacist or Healthcare Preceptor with the practice of pharmacy in their scope. When practicing pharmacy, an Intern must adhere to all the applicable rules in OAR 855-115 for Pharmacists.

Statutory/Other Authority: ORS 689.205, 2022 HB 4034

Statutes/Other Implemented: ORS 689.155, 2022 HB 4034

ADOPT: 855-120-0150

RULE SUMMARY: Proposed rule revises and relocates portions of existing rule in OAR 855-031-0020 and OAR 855-019-0200 to OAR 855-120-0150 related to prohibited practices for Interns.

CHANGES TO RULE:

855-120-0150

Prohibited Practices - Intern

(1) An Intern must not:

(a) Practice pharmacy as defined in ORS 689.005 except as permitted by the Pharmacist or Healthcare Preceptor who is supervising the Intern;

(b) Engage in any form of discrimination, harassment, intimidation, or assault in the workplace;

(c) Communicate (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, unless the Intern is a health care interpreter registered by the Oregon Health Authority under ORS 413.558 or the supervising Preceptor is also fluent in the language being interpreted; or

(d) Engage in patient care services when the supervising Pharmacist is not trained and qualified to perform the service.

(2) Until an Intern has successfully completed their first academic year, an Intern may observe, but must not:

(a) Conduct a Drug Utilization Review or Drug Regimen Review;

(b) Counsel a patient or the patient's agent regarding a prescription, either prior to or after dispensing, or regarding any medical information contained in the patient's record or chart;

(c) Advise on therapeutic values, content, hazards and use of drugs and devices;

(d) Conduct Medication Therapy Management;

(e) Practice pursuant to a Clinical Pharmacy Agreement or engage in Collaborative Drug Therapy Management;

(f) Practice pursuant to Statewide Drug Therapy Management Protocols;

(g) Prescribe a vaccine, drug or device; or

(h) Perform verification as defined in OAR 855-006-0005.

Statutory/Other Authority: ORS 689.205

Statutes/Other Implemented: ORS 689.155

ADOPT: 855-120-0155

RULE SUMMARY: Proposed new rule adds requirements related to grounds for discipline for Interns.

CHANGES TO RULE:

855-120-0155

Grounds for Discipline - Intern

The following are grounds for discipline:

(1) Continuing to practice as an Intern when one of the following has occurred:

(a) Dismissal from the Doctor of Pharmacy degree program enrolled in to obtain the Intern license; or

(b) Failure to maintain an active Intern license; or

(2) Any other grounds found in ORS 689.405.

Statutory/Other Authority: ORS 689.205

Statutes/Other Implemented: ORS 689.405

ADOPT: 855-120-0190

RULE SUMMARY: Proposed new rule adds requirements for Internship Programs.

CHANGES TO RULE:

855-120-0190

Internship Programs

(1) Interns must complete 1440 hours of internship in an Internship Program to qualify for licensure as a Pharmacist in OAR 855-115-0010 and 855-115-0015.

(2) For obtaining internship hours necessary to apply for a Pharmacist license, the board approves programs:

(a) Administered by an COP or SOP;

(b) Administered for a foreign graduate with FPGEC certification by a Pharmacist registered with the board as a Preceptor;

(c) Administered by another Board of Pharmacy or equivalent in any US state or jurisdiction.

(3) The Internship Program for:

(a) Students enrolled in a COP or SOP located in Oregon must be supervised by an Internship Program Supervisor; or

(b) Foreign graduates with FPGEC certification located in Oregon must be supervised by a licensed Preceptor.

(4) Foreign graduates with FPGEC certification located in Oregon must document the hours obtained on a board approved form.

(5) All Internship Programs must include, but are not limited to:

(a) Direct patient care;

(b) Interprofessional interaction and practice;

(c) Medication dispensing, distribution, administration, and systems management; and

(d) Professional development.

Statutory/Other Authority: ORS 689.205

Statutes/Other Implemented: ORS 689.155

ADOPT: 855-120-0195

RULE SUMMARY: Proposed rule revises and relocates existing rule OAR 855-031-0030 to OAR 855-120-0195 related to requirements for out-of-state internship experience.

CHANGES TO RULE:

855-120-0195

Out-of-State Internship Experience

(1) In order for an Intern to obtain credit for experience obtained outside of Oregon as part of an COP or SOP with an Internship Program based in Oregon, an Intern must be licensed as required by state laws and rules in the state in which they practice.¶

(2) In order for an out-of-state intern to engage in the practice of pharmacy in the State of Oregon, the intern must:¶

(a) Be licensed as an Intern by the State of Oregon; and¶

(b) Comply with ORS 475, ORS 689 and OAR 855.

Statutory/Other Authority: ORS 689.151, ORS 689.205

Statutes/Other Implemented: ORS 689.255

ADOPT: 855-120-1010

RULE SUMMARY: Proposed new rule adds qualifications for applicants seeking licensure as a Preceptor.

CHANGES TO RULE:

855-120-1010

Licensure: Qualifications - Preceptor

To qualify for licensure as a Preceptor, an applicant who is:

(1) A pharmacist must have been actively practicing as a pharmacist in any state for at least one year immediately prior to applying for a Preceptor license unless the pharmacist has been licensed for at least 6 months and is actively participating in an ASHP-accredited, pre-candidate, candidate or conditional accredited PGY1 residency program. The pharmacist license must be in good standing.

(2) A licensed healthcare professional must possess a license in good standing.

(3) Not a licensed healthcare professional must possess a Master or Doctorate degree in the academic discipline for which they are precepting.

Statutory/Other Authority: ORS 689.205

Statutes/Other Implemented: ORS 689.151, ORS 689.255

ADOPT: 855-120-1030

RULE SUMMARY: Proposed new rule adds application requirements for individuals seeking licensure as a Preceptor.

CHANGES TO RULE:

855-120-1030

Licensure: Application - Preceptor

- (1) An application for licensure as a Preceptor may be accessed on the board website.¶
- (2) The board may issue a license to a qualified applicant after the receipt of:¶
 - (a) Attestation to the requirements in OAR 855-120-1010;¶
 - (b) A completed application; and ¶
 - (c) Personal identification that includes a photograph.¶
- (3) Penalties may be imposed for: ¶
 - (a) Failure to completely and accurately answer each question on the application for licensure or renewal of licensure;¶
 - (b) Failure to disclose any requested information on the application;¶
 - (c) Failure to respond to requests for information resulting from the application; ¶
 - (d) Any other grounds found in ORS 689.405.¶
- (4) An application submitted to the board that is not complete within 90 days from applicant submission will be expired. Once expired, an applicant who wishes to continue with the application process must reapply by submitting a new application, along with all documentation, and all fees. While a new application and documentation is required, the board may still consider information that was provided in previous applications. ¶
- (5) The license of a Preceptor expires June 30 in odd numbered years and may be renewed biennially.

Statutory/Other Authority: ORS 689.205

Statutes/Other Implemented: ORS 689.151

ADOPT: 855-120-1040

RULE SUMMARY: Proposed new rule adds requirements for Preceptor's seeking to lapse a Preceptor license.

CHANGES TO RULE:

855-120-1040

Licensure: Lapse - Preceptor

(1) A Preceptor may let their license lapse by failing to renew or request that the board accept the lapse of their license prior to the expiration date.¶

(a) Lapse of a license is not discipline.¶

(b) The board has jurisdiction to proceed with any investigation or any action or disciplinary proceeding against the licensee.¶

(c) A person may not practice as a Preceptor if the license is lapsed.¶

(d) A person may apply to reinstate a Preceptor license according to OAR 855-120-1035.¶

(2) If a person requests to lapse the license, the following applies:¶

(a) The license remains in effect until the board accepts the lapse.¶

(b) If the board accepts the lapse, the board will notify the licensee of the date the license terminates.¶

(c) The board may not accept the lapse if an investigation of or disciplinary action against the licensee is pending.¶

(d) The licensee must return the license to the board within 10 days of the board accepting the lapse.

Statutory/Other Authority: ORS 689.205

Statutes/Other Implemented: ORS 689.153

ADOPT: 855-120-1050

RULE SUMMARY: Proposed new rule adds requirements for Preceptor's seeking to voluntarily surrender a Preceptor license.

CHANGES TO RULE:

855-120-1050

Licensure: Voluntary Surrender - Preceptor

A Preceptor may request that the board accept the voluntary surrender of their license.¶

(1) A voluntary surrender of a license is discipline. ¶

(2) The license remains in effect until the board accepts the surrender.¶

(3) If the board accepts a request for voluntary surrender, the board will issue a final order terminating the license, signed by the licensee and a board representative. The termination date is the date the licensee is sent the executed final order. ¶

(4) The licensee must cease acting as a Preceptor from the date the license terminates.¶

(5) A voluntarily surrendered license may not be renewed. A former licensee who wants to obtain a license must apply for reinstatement per OAR 855-120-1035 unless the final order prohibits the licensee from doing so.¶

(6) The board has jurisdiction to proceed with any investigation or any action or disciplinary proceeding against the licensee.

Statutory/Other Authority: ORS 689.205

Statutes/Other Implemented: ORS 689.153

ADOPT: 855-120-1070

RULE SUMMARY: Proposed rule revises and relocates language from OAR 855-031-0045 to OAR 855-120-1070 related to Preceptor general responsibilities.

CHANGES TO RULE:

855-120-1070

Responsibilities: General - Preceptor

(1) Each Preceptor is responsible for their own actions.¶

(2) Each Preceptor is responsible for supervising the actions of each Intern. ¶

(3) A Preceptor must:¶

(a) Display in plain sight the Preceptor license within the pharmacy or place of business to which it applies; ¶

(b) Provide the Intern with experiences, which in the Preceptor's judgment will increase the Intern's competency in the practice of pharmacy or as a member of the healthcare team; and ¶

(c) Verify that each Intern being supervised by the Preceptor is currently licensed with the board as an Intern.

Statutory/Other Authority: ORS 689.151

Statutes/Other Implemented: ORS 689.205, ORS 689.255

ADOPT: 855-120-1110

RULE SUMMARY: Proposed new rule adds confidentiality requirements for Preceptors.

CHANGES TO RULE:

855-120-1110

Responsibilities: Confidentiality - Preceptor

Preceptors must follow all applicable confidentiality laws.

Statutory/Other Authority: ORS 689.205

Statutes/Other Implemented: ORS 689.155

ADOPT: 855-120-1115

RULE SUMMARY: Proposed new rule adds duty to report requirements for Preceptors.

CHANGES TO RULE:

855-120-1115

Responsibilities: Duty to Report - Preceptor

Within 10 working days, unless state or federal laws relating to confidentiality or the protection of health information prohibit disclosure, each: ¶

(1) Preceptor at an Internship Program site must report if they have dismissed an Intern from an Internship Program site for reasons including but not limited to patient safety, unprofessional conduct or suspected violation of ORS 475, ORS 689 or OAR 855.¶

(2) Internship Program Supervisor must report the following on behalf of a COP or SOP if it:¶

(a) Has removed a Preceptor or Internship Program site from the Internship Program for reasons including but not limited to patient safety, unprofessional conduct or suspected violation of ORS 475, ORS 689 or OAR 855; or¶

(b) Has dismissed an Intern from a Doctor of Pharmacy degree program.¶

(3) For (1) and (2) the Preceptor and Internship Program Supervisor must report the date and reason for the removal.

Statutory/Other Authority: ORS 689.205

Statutes/Other Implemented: ORS 676.150, ORS 689.151, ORS 689.155, ORS 689.455

ADOPT: 855-120-1122

RULE SUMMARY: Proposed rule revises and relocates existing rule OAR 855-031-0026 to OAR 855-120-1122 related to supervision of Interns.

CHANGES TO RULE:

855-120-1122

Responsibilities: Supervision - Preceptor

(1) For direct patient care activities, a Pharmacist or Preceptor may supervise no more than four Interns.¶

(2) For non-direct patient care activities, a Pharmacist or Preceptor may supervise as many Interns as they believe in their reasonable professional judgment is appropriate to promote and protect patient health, safety and welfare. ¶

(3) The majority of an Intern's overall experience in an Internship Program must be under the supervision of a licensed Pharmacist Preceptor.

Statutory/Other Authority: ORS 689.151, ORS 689.205

Statutes/Other Implemented: ORS 689.155, ORS 689.255

ADOPT: 855-120-1150

RULE SUMMARY: Proposed new rule adds prohibited practices for Preceptors.

CHANGES TO RULE:

855-120-1150

Prohibited Practices - Preceptor

(1) A Preceptor must not engage in any form of discrimination, harassment, intimidation, or assault in the workplace.

(2) A Preceptor, who is not a Pharmacist, must not supervise an Intern in the practice of pharmacy as defined in ORS 689.005 unless the:

(a) Practice is within the scope of the Healthcare Preceptor's professional license;

(b) Intern is practicing as a part of an Internship Program at a COP or SOP; and

(c) Intern has successfully completed their first academic year.

Statutory/Other Authority: ORS 689.205

Statutes/Other Implemented: ORS 689.155

ADOPT: 855-120-1155

RULE SUMMARY: Proposed new rule adds requirements related to grounds for discipline for Preceptors.

CHANGES TO RULE:

855-120-1155

Grounds for Discipline - Preceptor

The board may suspend, revoke, or restrict the license of a Preceptor or may impose a civil penalty upon the Preceptor upon the following grounds:¶

(1) Continuing to supervise an Intern in an Internship Program when one of the following has occurred:¶

(a) School has removed the Preceptor or Internship Program site from the Internship Program for reasons including but not limited to patient safety, unprofessional conduct or suspected violation of ORS 475, ORS 689 or OAR 855.¶

(b) Licensee is not permitted to supervise an Intern per Board order.¶

(c) Registrant is not permitted to utilize Interns per Board order.¶

(2) Any other grounds found in ORS 689.405.

Statutory/Other Authority: ORS 689.205

Statutes/Other Implemented: ORS 689.405

ADOPT: 855-120-1205

RULE SUMMARY: Proposed rule revises and relocates rule OAR 855-031-0045 to OAR 855-120-1205 related to Preceptor qualifications and responsibilities of each Internship Program Supervisor.

CHANGES TO RULE:

855-120-1205

Qualifications and Responsibilities: Internship Program Supervisor

(1) The Internship Program Supervisor for a COP or SOP located in Oregon must:

(a) Be licensed as a Pharmacist;

(b) Be licensed as a Preceptor;

(c) Maintain a record of each internship completed as part of the Internship Program. This record must be made available to the board upon request;

(d) Submit a report on the Internship Program to the board at the end of each academic year. This report must include the names of students who have:

(A) Successfully completed the degree program including:

(i) Date of graduation; and

(ii) Hours earned in Internship Program; and

(B) Extended their course of study; and

(e) Maintain a list of preceptors and Internship Program sites, in and out-of-state, approved by the school and must make this list available to the board upon request.

(2) The Pharmacist who supervises the Internship Program for a FPGECE certified Intern located in Oregon must:

(a) Be licensed as a Pharmacist;

(b) Be licensed as a Preceptor; and

(c) Certify hours completed for internship credit in the Internship Program on a board-approved form. This record must be made available to the board upon request.

(3) The Internship Program Supervisor in (1) and the supervising Preceptor in (2) must ensure the Internship Program includes the following components:

(a) Direct patient care;

(b) Interprofessional interaction and practice;

(c) Medication dispensing, distribution, administration, and systems management; and

(d) Professional development.

Statutory/Other Authority: ORS 689.205

Statutes/Other Implemented: ORS 689.155