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

CHAPTER 855  
BOARD OF PHARMACY

**FILED**

10/21/2022 10:03 AM  
ARCHIVES DIVISION  
SECRETARY OF STATE

FILING CAPTION: 2022 HB 4034 allows a Retail Drug Outlet RDSP to deliver a prescription

LAST DAY AND TIME TO OFFER COMMENT TO AGENCY: 11/22/2022 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.*

CONTACT: Rachel Melvin  
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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: 11/22/2022

TIME: 9:30 AM

OFFICER: Rachel Melvin

ADDRESS: Oregon Board of Pharmacy  
800 NE Oregon St., Suite 150  
Portland, OR 97232

SPECIAL INSTRUCTIONS:

This hearing meeting will be held virtually via Microsoft Teams.

If you wish to present oral testimony during this hearing, sign up on our website at [www.oregon.gov/pharmacy/pages/rulemaking-information](http://www.oregon.gov/pharmacy/pages/rulemaking-information) or email your contact information to [pharmacy.rulemaking@bop.oregon.gov](mailto:pharmacy.rulemaking@bop.oregon.gov) to receive the link to join the virtual meeting. Please indicate which rule(s) you would like to comment on.

Alternatively, you may dial  
503-446-4951  
Phone Conference ID:  
146 611 440#  
for audio only.

You must submit written comments before 4:30PM on November 22, 2022. Email written comments to [pharmacy.rulemaking@bop.oregon.gov](mailto:pharmacy.rulemaking@bop.oregon.gov).

NEED FOR THE RULE(S)

Pursuant to Section 19 of 2022 HB 4034, a Retail Drug Outlet Pharmacy may deliver a prescription; thus, a Retail Drug Outlet RDSP may deliver a prescription.

DOCUMENTS RELIED UPON, AND WHERE THEY ARE AVAILABLE

2022 HB 4034 <https://olis.oregonlegislature.gov/liz/2022R1/Downloads/MeasureDocument/HB4034/Enrolled>

ORS 689.005 [https://www.oregonlegislature.gov/bills\\_laws/ors/ors689.htm](https://www.oregonlegislature.gov/bills_laws/ors/ors689.htm)

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

Proposed amendments provide clarity, transparency for licensees/registrants and promotes patient safety, no effects on racial equity are anticipated.

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FISCAL AND ECONOMIC IMPACT:

No fiscal impact anticipated.

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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 Oregon Board of Pharmacy, 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 with the development of the proposed amendments, directive of 2022 HB 4034.

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

Legislative directive of 2022 HB 4034.

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AMEND: 855-139-0600

RULE SUMMARY: Proposed amendment removes language that states a Retail Drug Outlet RDSP may not "Deliver a prescription." Per 2022 HB 4034, the board may not establish standards for telepharmacy that are more restrictive than standards for the delivery of in-person pharmacy services, including standards regarding prescription and dispensation of drugs.

CHANGES TO RULE:

855-139-0600

Prohibited Practices: General

A Retail Drug Outlet RDSP ~~may~~must not:<sup>¶</sup>

(1) Allow a Certified Oregon Pharmacy Technician or Pharmacy Technician to ask questions of a patient or patient's agent which screen and/or limit interaction with the Oregon licensed Pharmacist;<sup>¶</sup>

(2) Advertise or otherwise purport to operate as a pharmacy or to advertise or purport to provide pharmacy services unless the person is registered with the board pursuant to ORS 689.305.<sup>¶</sup>

~~(3) Deliver a prescription;~~<sup>¶</sup>

~~(4) Compound sterile preparations;~~ or<sup>¶</sup>

~~(5) Repackage drugs.~~

Statutory/Other Authority: ORS 475.035, ORS 689.205, ORS 689.305, ORS 689.315, 2022 HB 4034

Statutes/Other Implemented: ORS 689.155, 2022 HB 4034