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TEMPORARY ADMINISTRATIVE ORDER
INCLUDING STATEMENT OF NEED & JUSTIFICATION

BP 38-2022
CHAPTER 855
BOARD OF PHARMACY

FILED
06/22/2022 8:24 AM
ARCHIVES DIVISION
SECRETARY OF STATE
& LEGISLATIVE COUNSEL

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

EFFECTIVE DATE: 07/01/2022 THROUGH 12/27/2022

AGENCY APPROVED DATE: 06/09/2022

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Filed By:
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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.

JUSTIFICATION OF TEMPORARY FILING:

2022 HB 4034 is currently operative, a temporary rule is required to remove conflicts in rule with the directives of 2022 HB 4034.

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.html

AMEND: 855-139-0600

RULE SUMMARY: 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 not:¶

- (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;¶
- (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.¶
- ~~(3) Deliver a prescription;¶~~
- (4) Compound sterile preparations; or¶
- (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