



PERMANENT ADMINISTRATIVE ORDER

BP 10-2019
CHAPTER 855
BOARD OF PHARMACY

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FILING CAPTION: Implements legislative changes for various rules by adoption, amendment or repeal.

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RULES:

855-010-0130, 855-019-0150, 855-019-0420, 855-031-0010

ADOPT: 855-010-0130

NOTICE FILED DATE: 10/21/2019

RULE SUMMARY: New rules are proposed to Division 010 to address directives of 2019 HB 3030 and 2019 SB 688, to provide the spouse or domestic partner of a member of the U.S. Armed Forces stationed in Oregon a temporary authorization to practice their healthcare profession. The spouse or domestic partner must hold a current active license in good standing by another state with substantially similar requirements and must have demonstrated competency in the profession. To implement the bills, the proposed language allows issuance of a temporary authorization for a license. The law is effective January 1, 2020.

CHANGES TO RULE:

855-010-0130

Military Spouse or Domestic Partner

- (1) "Military spouse or domestic partner" means a spouse or domestic partner of an active member of the Armed Forces of the United States who is the subject of a military transfer to Oregon. ¶
- (2) To qualify for licensure under this rule, the military spouse or domestic partner must meet the following requirements: ¶
 - (a) Meet the qualifications for licensure as stated in OAR Division 855-019 or OAR 855-025.¶
 - (b) Be married to, or in a domestic partnership with, a member of the Armed Forces of the United States who is assigned to a duty station located in Oregon by official active duty military order;¶
 - (c) Applicant must complete an application for licensure, provide the Board with a valid email address, and complete and pass a national fingerprint-based criminal background check;¶
 - (d) Provide evidence of current licensure as a pharmacist or pharmacy technician issued by another state;¶
 - (e) Provide to the Board, in a manner determined by the Board, sufficient proof that the person is in good standing with the issuing out-of-state professional licensing board; and ¶
 - (f) Demonstrate competency as a pharmacist or pharmacy technician by having at least one year of active practice

during the three years immediately preceding the application.

(3) A temporary authorization under this section is valid until the earliest of the following:

(a) Two years after the date of issuance;

(b) The date the spouse or domestic partner of the person to whom the authorization was issued completes the spouse's term of service in this state; or

(c) The date the person's authorization issued by the other state expires.

(4) A temporary authorization issued under this section is not renewable.

Statutory/Other Authority: ORS 689.205

Statutes/Other Implemented: ORS 689.151, ORS 689.265, 2019 OL Ch. 142, 2019 OL Ch. 626

AMEND: 855-019-0150

NOTICE FILED DATE: 10/21/2019

RULE SUMMARY: The requirement to provide the original FPGEC certificate is a potential barrier to licensure for foreign pharmacy graduates (who could be immigrants or refugees).

CHANGES TO RULE:

855-019-0150

Foreign Pharmacy Graduates ¶¶

(1) Foreign Pharmacy Graduates applying for licensure in Oregon must meet the following requirements:¶¶

(a) Provide a copy of a valid visa permitting full time employment;¶¶

(b) Provide a copy of the original certificate issued by the NABP Foreign Pharmacy Graduate Examination Committee (FPGEC); and¶¶

(c) Pass the North American Pharmacist Licensure Examination (NAPLEX) exam with a score of not less than 75. A candidate who does not attain this score may retake the exam after a minimum of 91 days. This score shall only be valid for one year unless the Board grants an extension;¶¶

(d) After having completed the required number of intern hours, pass the MPJE with a score of not less than 75. A candidate who does not attain this score may retake the exam after a minimum of 30 days. The MPJE score shall only be valid for 6 months unless extended by the Board.¶¶

(2) An applicant must complete 1440 hours in pharmacy practice as an intern that must be certified to the Board by the preceptors.¶¶

(3) An applicant may not count internship hours or practice as a pharmacist completed outside the United States toward Oregon's internship requirement.¶¶

(4) An applicant may not count internship hours or practice as a pharmacist that is completed before passing the Foreign Pharmacy Graduate Equivalency Examination (FPGEE), and either the TOEFL with TSE, or TOEFL (IBT) exams toward Oregon's internship requirement.¶¶

(5) The Board may waive any requirement of this rule if a waiver will further public health or safety. A waiver granted under this section shall only be effective when it is issued in writing.

Statutory/Other Authority: ORS 689.205

Statutes/Other Implemented: ORS 689.151, ORS 689.255

REPEAL: 855-019-0420

NOTICE FILED DATE: 10/21/2019

RULE SUMMARY: Repeal due to ORS 689.689 sunset provision effective January 1, 2020 which restricted prescribing to a person younger than 18 years old.

CHANGES TO RULE:

~~855-019-0420~~

~~Contraceptive – Delivery of Care: Age Requirements ¶¶~~

~~A pharmacist may prescribe injectable hormonal contraceptives and self-administered hormonal contraceptives to a person who is:¶¶~~

~~(1) At least 18 years of age; or¶¶~~

~~(2) Under 18 years of age, only if the person has evidence of a previous prescription from a primary care practitioner or women's health care practitioner for a hormonal contraceptive patch or self-administered oral hormonal contraceptive.~~

~~Statutory/Other Authority: ORS 689.205~~

~~Statutes/Other Implemented: ORS 689.005, 689.683~~

AMEND: 855-031-0010

NOTICE FILED DATE: 10/21/2019

RULE SUMMARY: The requirement to provide the original FPGEC certificate is a potential barrier to licensure for foreign pharmacy graduates (who could be immigrants or refugees).

CHANGES TO RULE:

855-031-0010

Intern License Application ¶

(1) Applications for licensure as an intern may be obtained from the Board office or from the Board web-site ~~at~~ www.pharmacy.state.or.us. ¶

(a) Failure to completely, accurately and honestly answer all questions on the application form for licensure or renewal of licensure is grounds for discipline; ¶

(b) Failure to disclose any arrest for a felony or misdemeanor, or any indictment for a felony may result in denial of the application. ¶

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

(a) A completed application; ¶

(b) Payment of the fee prescribed in OAR 855-110-0005; ¶

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

(d) ~~Any fingerprint card or other documentation required by the Board to conduct a criminal~~ Furnish documentation required to conduct a national fingerprint-based background check; and ¶

(e) Confirmation from a school of pharmacy that the applicant is enrolled in a course of study, except for foreign pharmacy graduates who must: ¶

(A) Provide a copy of a valid visa permitting full-time employment; ¶

(B) Provide a copy of the original certificate issued by the Foreign Pharmacy Graduate Equivalency Examination Committee; and ¶

(C) Provide evidence that they have passed the Test of English as a Foreign Language (TOEFL) Internet-based Test (IBT) ~~with a minimum score of 26 in Speaking, 21 in Reading, 18 in Listening and 24 in Writing, however scores will be accepted until June 30, 2010 from candidates who have already passed or are scheduled to take the TOEFL and the Test of Spoken English (TSE).~~ ¶

(3) The Board may issue an intern license after processing the application, however unless the applicant is a foreign graduate or an applicant for licensure by reciprocity, it is not valid until the intern has started a course of study. ~~For licenses issued after May 1, 2010, t~~The initial license is valid until the last day of November following the second anniversary of issue unless terminated automatically by any one of the following events. Renewed licenses are valid for two years unless terminated automatically by any one of the following events: ¶

(a) Licensure to practice pharmacy is granted in any state; or ¶

(b) The licensee, other than a foreign pharmacy graduate or an applicant for licensure by reciprocity, fails to maintain enrollment or active registration in a pharmacy degree program for a period greater than one year; or ¶

(c) The licensee, other than a foreign pharmacy graduate or an applicant for licensure by reciprocity, has been graduated from a school of pharmacy for 12 months; ¶

(d) The intern is dismissed, terminated or expelled by the school of pharmacy, or withdraws from the program. ¶

(4) An intern must surrender their license to the Board within 30 days of one of the above events. ¶

(5) Notwithstanding the requirements of section (3) above, upon written request the Board may waive any of the requirements of this rule if a waiver will further public health and safety. A waiver granted under this section shall only be effective when it is issued in writing. ¶

[Publications: Publications referenced are available from the agency.]

Statutory/Other Authority: ORS 689.151, ORS 689.205

Statutes/Other Implemented: ORS 689.207, ORS 689.255, ~~2009-OL Ch. 536~~ ORS 689.455

