



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

CHAPTER 855  
BOARD OF PHARMACY

**FILED**  
04/18/2019 4:28 PM  
ARCHIVES DIVISION  
SECRETARY OF STATE

FILING CAPTION: Legislatively approved fee increases in Division 110

LAST DAY AND TIME TO OFFER COMMENT TO AGENCY: 05/22/2019 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: Karen MacLean  
971-673-0001  
Pharmacy.Rulemaking@oregon.gov

800 NE Oregon St. Suite 150  
Portland, OR 97232

Filed By:  
Karen MacLean  
Rules Coordinator

HEARING(S)

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

DATE: 05/22/2019

TIME: 9:30 AM

OFFICER: Karen MacLean

ADDRESS: Portland State Office  
Building  
800 NE Oregon St.  
Conference Room 1E  
Portland, OR 97232

NEED FOR THE RULE(S):

Implements fee increases included in the Board of Pharmacy Legislatively Approved Budget for 2019-21.

DOCUMENTS RELIED UPON, AND WHERE THEY ARE AVAILABLE:

2019 SB 5529 - <https://olis.leg.state.or.us/liz/2019R1/Downloads/MeasureDocument/SB5529/Enrolled>

Notice to Licensee - Proposed Fee Increases - November 13, 2018

Email sent to all licensees and registrants with email address on file 11/13/18 or sent via USPS and posted to the agency website home page at

<https://www.oregon.gov/pharmacy/Imports/Memos/2019ProposedFeeIncreaseNoticeToLicensees.pdf>

All new licensees or registrants since 11/13/18 received this notice with license/registration.

FISCAL AND ECONOMIC IMPACT:

These rules reflect fee increases in 24 license/registration categories that generate \$2,411,800 of Other Fund revenue. Note, approximately \$1,350,670 of this increase is related to the adjustment for biennial licensure for pharmacists and certified pharmacy technicians.

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).

Fee increases for various drug outlet registrations and personnel licensure include some county health departments, correctional facilities and state run institutional facilities. There are currently 899 facilities that have identified as small businesses. These rules do not generate any minimal reporting, recordkeeping and other administrative activities required for compliance for small businesses.

---

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

None.

---

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

Fees were legislatively adopted.

---

RULES PROPOSED:

855-110-0005, 855-110-0007, 855-110-0010

AMEND: 855-110-0005

RULE SUMMARY: Legislatively approved fee updates to be effective 7/1/19 for new applicants. The Board of Pharmacy's operating budget is largely dependent on licensing fees. Note: Pharmacist and Certified Oregon Pharmacy Technician fees now reflect a biennial fee for a two year license. New fees for these categories will not impact current licensees until their next renewal in 2020 (for CPTs) or 2021 (for RPHs).

CHANGES TO RULE:

855-110-0005

Licensing Fees ¶¶

- (1) Pharmacist license examination (NAPLEX) and re-examination fee - \$50.¶¶
- (2) Pharmacist jurisprudence (MPJE) re-examination fee - \$25.¶¶
- (3) Pharmacist licensing by reciprocity fee - \$200\*. (\*Temporary revenue surplus fee reduction pursuant to ORS 291.055(3)). Fee reduction shall be effective retroactive to July 1, 2013.¶¶
- (4) Pharmacist licensing by score transfer fee - \$200\*. (\*Temporary revenue surplus fee reduction pursuant to ORS 291.055(3)). 50.¶¶
- (4) Pharmacist licensing by score transfer fee - \$250.¶¶
- (5) Intern license fee. Expires November 30 every two years - \$5100.¶¶
- (6) Pharmacist:¶¶
  - (a) Biennial license fee. Expires June 30 each odd numbered year. The biennial license fee is - \$1250. Delinquent renewal fee; (postmarked after May 31) - \$50.¶¶
  - (b) Electronic Prescription Monitoring Fund fee. Due by June 30 biennially- \$50. (This is a mandatory fee, required by ORS 431.972 that must be paid with the pharmacist license renewal fee).¶¶
  - (c) Workforce Data Collection fee. Due by June 30 biennially - \$4. (This is a mandatory fee as required by OAR 409-026-0130 that must be paid with the Pharmacist license renewal fee.)¶¶
- (7) Certification of approved provider of continuing education course fee, none at this time.¶¶
- (8) Pharmacy Technician license fee - \$50.¶¶
  - (a) A Pharmacy Technician license initially issued prior to January 1, 2015 to a person under 18 years of age

~~expires June 30 in odd numbered years - \$50. Delinquent renewal fee, (postmarked after May 31) - \$2100.~~¶

(9) Certified Oregon Pharmacy Technician:¶

(a) Biennial license fee. Expires June 30 each even numbered year - ~~\$5100~~. Delinquent renewal fee; (postmarked after ~~August~~May 31) - \$20.¶

(b) Workforce Data Collection fee. Due by June 30 biennially - \$4. (This is a mandatory fee as required by OAR 409-026-0130 that must be paid with the Certified Oregon Pharmacy Technician license renewal fee.)

Statutory/Other Authority: ORS 689.205, 291.055, 183.705

Statutes/Other Implemented: ORS 689.135, 431.972, 676.410

AMEND: 855-110-0007

RULE SUMMARY: Legislatively approved fee updates to be effective 7/1/19. The Board of Pharmacy's operating budget is largely dependent on licensing fees.

CHANGES TO RULE:

855-110-0007

Fees for Registration, Renewal, and Reinspection of Drug Outlets ¶

- (1) Community Health Clinic. Expires March 31 annually - ~~\$75\*~~100. Delinquent renewal fee (postmarked after February 28) - \$25. (~~\*Temporary revenue surplus fee reduction pursuant to ORS 291.055(3)). Fee reduction shall be effective retroactive to July 1, 2013.~~ ¶
- (2) Drug Distribution Agent. Expires September 30 annually - \$400. Delinquent renewal fee (postmarked after August 31) - \$100. ¶
- (3) Drug Room (including correctional facility). Expires March 31 annually - ~~\$75\*~~100. Delinquent renewal fee (postmarked after February 28) - \$75. (~~\*Temporary revenue surplus fee reduction pursuant to ORS 291.055(3)). Fee reduction shall be effective retroactive to July 1, 2013.~~ ¶
- (4) Manufacturers (including Manufacturer Class I, Manufacturer Class II and Manufacturer Class III). Expires September 30 annually - ~~\$400~~525. Delinquent renewal fee (postmarked after August 31) - \$100. ¶
- (5) Medical Device, Equipment & Gas Class C. Expires January 31 annually - ~~\$75~~0. Delinquent renewal fee (postmarked after December 31) - \$25. ¶
- (6) Nonprescription Class A. Expires January 31 annually - ~~\$75~~0. Delinquent renewal fee (postmarked after December 31) - \$25. ¶
- (7) Nonprescription Class B. Expires January 31 annually - ~~\$75~~0. Delinquent renewal fee (postmarked after December 31) - \$25. ¶
- (8) Nonprescription Class D. Expires January 31 annually - \$100. Delinquent renewal fee (postmarked after December 31) - \$25. ¶
- (9) Prophylactic and/or Contraceptive Wholesaler and/or Manufacturer - \$50\*. Expires December 31 annually. (~~\*Temporary revenue surplus fee reduction pursuant to ORS 291.055(3)). Fee reduction shall be effective retroactive to July 1, 2013.~~ ¶
- (10) Re-inspection fee - \$100. Applies to any re-inspection of a drug outlet occasioned to verify corrections of violations found in an initial inspection. ¶
- (11) Retail ~~or~~, Institutional, or Consulting/"Drugless" Pharmacy Drug Outlet. Expires March 31 annually - ~~\$175\*~~225. Delinquent renewal fee (postmarked after February 28) - \$75. (~~\*Temporary revenue surplus fee reduction pursuant to ORS 291.055(3)). Fee reduction shall be effective retroactive to July 1, 2013.~~ ¶
- (12) Wholesalers (including Wholesaler Class I, Wholesaler Class II and Wholesaler Class III). Expires September 30 annually - ~~\$400~~525. Delinquent renewal fee (postmarked after August 31) - \$100. ¶
- (13) Remote Dispensing Machine or Remote Distribution Facility. Expires March 31 annually - ~~\$10~~20. Due by February 28 annually. ¶
- (14) Charitable Pharmacy. Expires March 31 annually - \$75. Delinquent renewal fee (postmarked after February 28) - \$25. ¶
- (15) Home Dialysis. Expires March 31 annually - ~~\$175\*~~225. Delinquent renewal fee (postmarked after February 28) - \$75. (~~\*Temporary revenue surplus fee reduction pursuant to ORS 291.055(3)). Fee reduction shall be effective retroactive to July 1, 2013.~~ ¶
- (16) Supervising Physician Dispensing Outlet. Expires March 31 annually - \$175\*. (~~\*Temporary revenue surplus fee reduction pursuant to ORS 291.055(3)). Delinquent renewal fee (postmarked after February 28) - \$75.~~ ¶
- (17) Dispensing Practitioner Drug Outlet. Expires March 31 annually -- \$100\*. Delinquent renewal fee (postmarked after February 28) -- \$25\*. (~~\*This fee will be waived until the 2019 renewal cycle that begins January 1, 2019.~~)

Statutory/Other Authority: ORS 689.205, 291.055

Statutes/Other Implemented: ORS 689.135, 689.774, 689.305

AMEND: 855-110-0010

RULE SUMMARY: Legislatively approved fee updates to be effective 7/1/19. The Board of Pharmacy's operating budget is largely dependent on licensing fees.

CHANGES TO RULE:

855-110-0010

Fees for Registration for Controlled Substances under ORS 475.095 ¶

- (1) Animal Euthanasia controlled substance registration fee - ~~\$750~~ annually. ¶
- (2) Drug Distribution Agent controlled substance registration fee - ~~\$50\*100~~ annually. (~~\*Temporary revenue surplus fee reduction pursuant to ORS 291.055(3)~~). ¶
- (3) Drug Room (including correctional facility) controlled substance registration fee - ~~\$50\*100~~ annually. (~~\*Temporary revenue surplus fee reduction pursuant to ORS 291.055(3)~~). ¶
- (4) Manufacturer controlled substance registration fee - ~~\$50\*100~~ annually. (~~\*Temporary revenue surplus fee reduction pursuant to ORS 291.055(3)~~). ¶
- (5) Retail or Institutional Drug Outlet controlled substance registration fee - ~~\$50\*100~~ annually. (~~\*Temporary revenue surplus fee reduction pursuant to ORS 291.055(3)~~). ¶
- (6) Schedule II Precursor registration fee - ~~\$750\*~~ annually. (~~\*Temporary revenue surplus fee reduction pursuant to ORS 291.055(3)~~). ¶
- (7) Wholesaler controlled substance registration fee - ~~\$50\*100~~ annually. (~~\*Temporary revenue surplus fee reduction pursuant to ORS 291.055(3)~~). ¶
- (8) Remote Distribution Facility controlled substance registration fee - ~~\$50\*100~~ annually. (~~\*Temporary revenue surplus fee reduction pursuant to ORS 291.055(3)~~). ¶

Statutory/Other Authority: ORS 689.205, 291.055

Statutes/Other Implemented: ORS 689.135