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

CHAPTER 855  
BOARD OF PHARMACY

**FILED**

04/23/2020 11:54 AM  
ARCHIVES DIVISION  
SECRETARY OF STATE

FILING CAPTION: Required prescription accessibility services mandated by 2019 HB 2935

LAST DAY AND TIME TO OFFER COMMENT TO AGENCY: 05/27/2020 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  
971-673-0001  
pharmacy.rulemaking@oregon.gov

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: 05/27/2020

TIME: 9:30 AM

OFFICER: Rachel Melvin

ADDRESS: Portland State Office  
Building

800 NE Oregon St., Suite 150  
Portland, OR 97232

SPECIAL INSTRUCTIONS:

This hearing meeting will be held via telephonic conference call. To participate, call 1-877-873-8017, participant code 139360 #. Written comment may be submitted any time prior to 4:30PM on 5/27/2020 to pharmacy.rulemaking@oregon.gov.

NEED FOR THE RULE(S):

To implement legislative directive of 2019 HB 2935 which requires an Oregon registered pharmacy to provide a prescription reader per patient request.

DOCUMENTS RELIED UPON, AND WHERE THEY ARE AVAILABLE:

2019 HB 2935 <https://olis.oregonlegislature.gov/liz/2019R1/Measures/Overview/HB2935>, Title VI of the Civil Rights Act of 1964 (42 USC 2000d) <https://www.justice.gov/crt/fcs/TitleVI>

FISCAL AND ECONOMIC IMPACT:

This legislation has a significant fiscal impact to Oregon registered pharmacies.

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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).*

The Oregon Board of Pharmacy will absorb all costs associated with the validation of compliance. Because all Oregon registered pharmacies are required to comply with this legislation, small businesses are impacted such as independently owned pharmacies are impacted. There are approximately 100 independently owned pharmacies registered and located in Oregon. It is estimated that the costs to comply consist of multiple factors including initial startup costs for software/hardware, for items such as patient devices and compliant labels as well as ongoing maintenance/contract services costs. According to a Rules Advisory Committee member representing one national pharmacy chain with 107 registered pharmacies in Oregon, initial implementation costs were roughly \$152,000 and an additional \$11,000 vendor fee.

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

The Board hosted an Administrative Rule Advisory Committee meeting and invited various stakeholder groups along with local and national pharmacy representation.

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**WAS AN ADMINISTRATIVE RULE ADVISORY COMMITTEE CONSULTED? YES**

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ADOPT: 855-041-1131

RULE SUMMARY: Pharmacy accessibility services required by 2019 HB 2935

CHANGES TO RULE:

**855-041-1131**

**Prescription Reader Accessibility**

**A pharmacy shall notify each person to whom a prescription drug is dispensed that a prescription reader is available to the person upon request; a prescription reader is a device designed to audibly convey labeling information. A pharmacy that provides a prescription reader shall make it available to the person for at least the duration of the prescription, shall confirm it is appropriate to address the person's visual impairment, and shall ensure that prescription labels are compatible with the prescription reader. This requirement does not apply to an institutional drug outlet, dispensing a drug intended for administration by a healthcare provider.**

**Statutory/Other Authority: ORS 689.205**

**Statutes/Other Implemented: ORS 689.561**