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PERMANENT ADMINISTRATIVE ORDER

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CHAPTER 855
BOARD OF PHARMACY

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ARCHIVES DIVISION
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& LEGISLATIVE COUNSEL

FILING CAPTION: Prescribing practice rules updated to reflect statutory authority and incorporate Committee recommendations.

EFFECTIVE DATE: 10/16/2019

AGENCY APPROVED DATE: 10/03/2019

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RULES:

855-019-0264, 855-019-0470, 855-020-0110, 855-020-0200, 855-020-0300

REPEAL: 855-019-0264

RULE TITLE: State Drug Therapy Management Protocols

NOTICE FILED DATE: 08/13/2019

RULE SUMMARY: Repeals outdated language related to OHA protocols.

RULE TEXT:

(1) A pharmacist may participate in statewide drug therapy management protocols developed by the Oregon Health Authority to provide approved patient care services including but not limited to:

- (a) Smoking cessation therapy;
- (b) Travel health services; and
- (c) Immunizations.

(2) The pharmacy must maintain written or electronic policies and procedures for each state drug therapy management protocol in which it participates.

(3) A pharmacist who participates in a state drug therapy management protocol must:

- (a) Retain the required training documentation set forth by the protocol and make available to the Board upon request; and
- (b) Document the prescription, administration, and patient interaction in the patient's record, and provide notification to the patient's primary care provider when available.

STATUTORY/OTHER AUTHORITY: ORS 689.205

STATUTES/OTHER IMPLEMENTED: ORS 689.155, 2015 OL Ch. 362

ADOPT: 855-019-0470

RULE TITLE: Emergency Insulin

NOTICE FILED DATE: 08/13/2019

RULE SUMMARY: Implements 2019 SB 9 related to pharmacists prescribing emergency insulin.

RULE TEXT:

Emergency Insulin. A pharmacist who has completed a Board approved ACPE accredited training program may prescribe and dispense emergency refills of insulin and associated insulin-related devices and supplies, not including insulin pump devices, to a person who has evidence of a previous prescription from a licensed health care provider; in such cases, a pharmacist shall prescribe the lesser of a 30-day supply or the smallest available package size, and not more than three emergency refills and supplies in a calendar year.

STATUTORY/OTHER AUTHORITY: ORS 689.205

STATUTES/OTHER IMPLEMENTED: 2019 OL Ch. 95

AMEND: 855-020-0110

RULE TITLE: Prescribing Practices

NOTICE FILED DATE: 08/13/2019

RULE SUMMARY: Rules have revisions to appropriately reflect statutory authority and to provide clarity for documentation expectations.

RULE TEXT:

(1) A pharmacist located and licensed in Oregon may prescribe and dispense FDA-approved drugs and devices included on either the Formulary or Protocol Compendia, set forth in this Division. A pharmacist shall only prescribe a drug or device consistent with the parameters of the Formulary and Protocol Compendia, and in accordance with federal and state regulations.

(2) A pharmacist must create, approve, and maintain policies and procedures for prescribing post-diagnostic drugs and devices or providing patient care services via implementation of statewide drug therapy management protocols. The policies and procedures shall describe current and referenced clinical guidelines, and include but not be limited to:

- (a) Patient inclusion and exclusion criteria;
- (b) Explicit medical referral criteria;
- (c) Care plan preparation, implementation, and follow-up;
- (d) Prescribing drugs and devices pursuant to the formulary and protocol compendia;
- (e) Patient education; and
- (f) Provider notification.

(3) The pharmacist is responsible for recognizing limits of knowledge and experience and for resolving situations beyond his or her pharmacist expertise by consulting with or referring patients to another health care provider.

(4) For each drug or device the pharmacist prescribes, the pharmacist must:

- (a) Assess patient and collect subjective and objective information, including the diagnosis for Formulary Compendia items, about the patient's health history and clinical status. The pharmacist's patient assessment shall be performed in a face-to-face, in-person interaction and not through electronic means; and
- (b) Utilize information obtained in the assessment to evaluate and develop an individualized patient-centered care plan, pursuant to the statewide drug therapy management protocol and policies and procedures; and
- (c) Implement the care plan, to include appropriate treatment goals, monitoring parameters, and follow-up; and
- (d) Provide notification, preferably via an interoperable information technology system, to the patient's identified primary care provider or other care providers when applicable, within five business days following the prescribing of a Compendia drug or device.

(5) The pharmacist shall maintain all records associated with prescribing and other related activities performed for a minimum of 10 years, and a copy must be made available to the patient and provider upon request. Pharmacy records must be retained and made available to the Board for inspection upon request. Records must be stored onsite for at least one year and then may be stored in a secure off-site location if retrievable within three business days. Records and documentation may be written, electronic or a combination of the two.

STATUTORY/OTHER AUTHORITY: ORS 689.205

STATUTES/OTHER IMPLEMENTED: ORS 689.645, ORS 689.649

AMEND: 855-020-0200

RULE TITLE: Formulary Compendium

NOTICE FILED DATE: 08/13/2019

RULE SUMMARY: Rules have revisions to incorporate recent Public Health and Pharmacy Formulary Advisory Committee recommendations.

RULE TEXT:

A pharmacist may prescribe, according to regulations outlined in this Division, an FDA-approved drug and device listed in the following compendium, pursuant to a diagnosis by a health care practitioner who has prescriptive authority and who is qualified to make the diagnosis. The diagnosis must be documented.

Devices and supplies:

- (1) Diabetic blood sugar testing supplies;
- (2) Injection supplies;
- (3) Nebulizers and associated supplies;
- (4) Inhalation spacers;
- (5) Peak flow meters;
- (6) International Normalized Ratio (INR) testing supplies;
- (7) Enteral nutrition supplies; and
- (8) Ostomy products and supplies.

STATUTORY/OTHER AUTHORITY: ORS 689.205

STATUTES/OTHER IMPLEMENTED: ORS 689.645, ORS 689.649

AMEND: 855-020-0300

RULE TITLE: Protocol Compendium

NOTICE FILED DATE: 08/13/2019

RULE SUMMARY: Revisions incorporate recent Public Health and Pharmacy Formulary Advisory Committee recommendations.

RULE TEXT:

A pharmacist may prescribe, via statewide drug therapy management protocol and according to regulations outlined in this Division, an FDA-approved drug and device listed in the following compendium:

(1) Continuation of therapy

(a) A pharmacist may prescribe any non-controlled medication to extend a patient's prescription therapy to avoid interruption of treatment; and

(b) In such cases, a pharmacist shall only prescribe a drug quantity sufficient for the circumstances, not to exceed a 60 day supply, and no more than two extensions in a 12 month period per medication.

(2) Conditions

(a) Cough and cold symptom management

(A) Pseudoephedrine products for patients 18 years of age and older, verified by positive identification, not to exceed 3.6 grams or a 60 count quantity per prescription, whichever is less, or a total of three prescriptions in a 12 month period. Pharmacist must review PDMP prior to issuing prescription and retain documentation of PDMP review;

(B) Benzonatate, for the treatment of cough, not to exceed a 7 day supply;

(C) Short-acting beta agonists, not to exceed 1 inhaler with or without a spacer, or 1 box of nebulizer ampules, per year;

(D) Intranasal corticosteroids.

(3) Preventative care

(a) Emergency Contraception, not including abortifacients.

(b) Male and female condoms.

STATUTORY/OTHER AUTHORITY: ORS 689.205

STATUTES/OTHER IMPLEMENTED: ORS 689.645, ORS 689.649