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ARCHIVES DIVISION

STEPHANIE CLARK
DIRECTOR

800 SUMMER STREET NE
SALEM, OR 97310
503-373-0701

TEMPORARY ADMINISTRATIVE ORDER
INCLUDING STATEMENT OF NEED & JUSTIFICATION

BP 33-2021

CHAPTER 855

BOARD OF PHARMACY

FILED

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ARCHIVES DIVISION
SECRETARY OF STATE
& LEGISLATIVE COUNSEL

FILING CAPTION: Requires pharmacies to post notification of temporary closure and notify board.

EFFECTIVE DATE: 12/10/2021 THROUGH 06/07/2022

AGENCY APPROVED DATE: 12/09/2021

CONTACT: Rachel Melvin

971-673-0001

pharmacy.rulemaking@bop.oregon.gov

800 NE Oregon St., Suite 150

Portland, OR 97232

Filed By:

Rachel Melvin

Rules Coordinator

NEED FOR THE RULE(S):

This rule requires pharmacies to post notification of temporary closure and provide patients with alternative options for receiving the prescriptions during the temporary closure. The rule also sets requirements for board notification of a temporary pharmacy closure.

JUSTIFICATION OF TEMPORARY FILING:

Pharmacies must have accurate hours of operation posted at all times. If a pharmacy must temporarily close, Oregonians will be unable to access their medications in process or filled by that pharmacy. Oregonians need to be communicated with and made aware of alternative options for receiving their prescriptions. Failure to adopt this temporary rule will continue to result in patients and healthcare providers being unable to determine if the pharmacy is operating and patients being unable to access medications. Inability to access prescription medications and records in a timely manner is a danger to public health and safety.

DOCUMENTS RELIED UPON, AND WHERE THEY ARE AVAILABLE:

ADOPT: 855-041-1092

RULE SUMMARY: During the COVID-19 pandemic, pharmacies are experiencing an increase in temporary closures due to extenuating circumstances (e.g. illness, staffing shortages). Posting notification of the estimated time the pharmacy will be closed and providing alternative options for prescription pick-up (e.g. another local pharmacy, contact prescriber for new prescription, reverse processed prescriptions) must be made available to patients and providers to ensure timely access to prescription medication. Lack of access to prescription medications and records in a timely manner is a danger to public health and safety. Requires pharmacies to notify the board if the closure lasts greater than 2 consecutive business days.

CHANGES TO RULE:

[855-041-1092](#)

[Pharmacy Closures](#)

(1) Temporary Closing. Unless subject to an exemption in OAR 855-041-1092(3), when a pharmacy is temporarily closed to the public the pharmacy must: ¶

(a) Post notification of closure on each building entrance and each pharmacy entrance as soon as the need to deviate from the posted hours is known by the pharmacy, but no later than 2 hours after the temporary closure begins. The posting must include: ¶

(A) Estimated period of time the pharmacy will be closed; and ¶

(B) Options for prescription pick-up (e.g. another local pharmacy, contact prescriber for new prescription, reverse processed prescriptions). ¶

(b) Post notification of closure on each telephone greeting and pharmacy operated internet (e.g. website, social media, mobile applications) as soon as possible. The posting must include: ¶

(A) Estimated period of time the pharmacy will be closed; and ¶

(B) Options for prescription pick-up (e.g. another local pharmacy, contact prescriber for new prescription, reverse processed prescriptions). ¶

(c) If the pharmacy is temporarily closed greater than 2 consecutive business days, notify the board office as soon as possible but no later than 72 hours after the temporary closure begins with the date and time the closure began, anticipated date and time of re-opening, and the reason for the temporary closure. ¶

(2) Federal and state holidays are exempt from the requirements of (1). ¶

(3) Emergency closing. If pharmacy is closed suddenly due to fire, destruction, natural disaster, death, property seizure, eviction, bankruptcy, or other emergency circumstances and the pharmacist-in-charge cannot provide notification as required in (1), the pharmacist-in-charge must comply with the provisions of (1) as far in advance or as soon after the closing as allowed by the circumstances.

Statutory/Other Authority: ORS 689.205

Statutes/Other Implemented: ORS 689.205