

## DIVISION 19

### LICENSING OF PHARMACISTS

#### 855-019-0100

##### Application

(1) ~~These rules~~ **This Division applies** apply to any pharmacist who is licensed to practice pharmacy in Oregon including any pharmacist located in another state who is consulting, or providing any other pharmacist service, for a patient, pharmacy or healthcare facility in Oregon.

(2) Where so indicated, these rules also apply to an intern who is licensed in Oregon.

(3) Any pharmacist who engages in the practice of pharmacy in Oregon must be licensed by the Board in accordance with the following rules.

(4) A pharmacist who is located in another state and who engages in the practice of pharmacy for a patient, drug outlet or healthcare facility in Oregon, must be licensed by the Board in accordance with the following rules, except that a pharmacist working in an out-of-state pharmacy, who only performs the professional tasks of interpretation, evaluation, DUR, counseling and verification associated with their dispensing of a drug to a patient in Oregon, is not required to be licensed by the Board unless they are the pharmacist-in-charge (PIC).

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

Stat. Auth.: ORS 689.205

Stats. Implemented: ORS 689.151, 689.155, 689.255

##### Licensing

#### 855-019-0120

##### Licensure

**(1)** Before licensure as a pharmacist, an applicant must meet the following requirements:

**(a)** ~~(1)~~ Provide evidence from a school or college of pharmacy approved by the Board that they have successfully completed all the requirements for graduation and, starting with the graduating class of 2011, including not less than 1440 hours of School-based Rotational Internships as that term is defined in OAR 855-031-0005, and that a degree will be conferred;

**(b)** ~~(2)~~ Pass the North American Pharmacist Licensure Examination (NAPLEX) exam with a score of not less than 75. This score shall remain valid for only one year unless the Board grants

an extension. A candidate who does not attain this score may retake the exam after a minimum of 91 days except that a candidate who has failed the exam three times must wait at least one year before retaking the exam;

**(c) ~~(3)~~ Pass the Multistate Pharmacy Jurisprudence Examination (MPJE) exam with a score of not less than 75. The applicant may not take the MJPE until they have graduated from a school or college of pharmacy approved by the Board. A candidate who does not attain this score may retake the exam after a minimum of 30 days except that a candidate who has failed the exam three times must wait at least one year before retaking the exam. The MJPE score shall be valid for 6 months unless extended by the Board;**

~~(4) Submit a completed application form that may be obtained from the Board office, and pay the fee specified in Division 110 of this chapter of rules.~~

**(d) Complete an application for licensure, provide the Board with a valid e-mail address, and a fingerprint card or other documentation required to conduct a criminal background check.**

**(2) A license, once obtained, will expire on June 30 in odd numbered years and must be renewed biennially.**

Stat. Auth.: ORS 689.205  
Stats. Implemented: ORS 689.151

#### **855-019-0122**

#### **Renewal of Licensure as a Pharmacist**

**(1) An application for renewal of a pharmacist license must include documentation of:**

**(a) Completion of continuing education requirements as prescribed in Chapter 855, Division 021; and**

**(b) Payment of the biennial license fee as prescribed in OAR 855-110.**

**(2) A pharmacist will be subject to an annual criminal background check.**

**Stat. Auth.: ORS 689.205**  
**Stats. Implemented: ORS 689.151**

#### **855-019-0170**

#### **Reinstatement of License**

(1) A pharmacist who fails to renew their license by the deadline may reinstate their license as follows:

(a) By payment of the ~~annual~~ license fees and delinquency fees for all years during which the license was lapsed and for the current year; and

(b) By providing certification of completion of the continuing education requirement for all years in which the license was lapsed; and

(c) If their license has been lapsed for more than one year, pass the MPJE with a score of not less than 75; **and**

**(d) Complete an application for licensure, provide the board with a valid e-mail address, and a fingerprint card or other documentation required to conduct a criminal background check.**

(2) A pharmacist in good standing who retired from the practice of pharmacy after having been licensed for not less than 20 years need only pay the ~~annual~~ license fees for the year in which they seek a license, however they must provide certification of completion of continuing education for all years since their retirement and pass the MPJE with a score of not less than 75.

Stat. Auth.: ORS 689.205

Stats. Implemented: ORS 689.151, 689.275

### **855-019-0171**

#### **Reinstatement of a Revoked or Surrendered License**

**A person whose pharmacist license has been revoked or surrendered shall have the right, at reasonable intervals, to petition to the Board in writing for reinstatement of such license. The written petition to the Board shall be made in conjunction with the application process identified in OAR 855-019-0120.**

**Stat. Auth.: ORS 689.205**

**Stats. Implemented: ORS 689.151, 689.275**

### **855-019-0205**

#### **Duty to Report**

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

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

(3) A pharmacist must report to the Board within 10 days if they:

(a) Are convicted of a misdemeanor or a felony; or

(b) If they are arrested for a felony.

(4) A pharmacist who has reasonable cause to believe that another licensee (of the Board or any other Health Professional Regulatory Board) has engaged in prohibited or unprofessional conduct as these terms are defined in OAR 855-006-0005, must report that conduct to the board responsible for the licensee who is believed to have engaged in the conduct. The reporting pharmacist shall report the conduct without undue delay, but in no event later than 10 working days after the pharmacist learns of the conduct unless federal laws relating to confidentiality or the protection of health information prohibit disclosure.

(5) A pharmacist who reports to a board in good faith as required by section (4) of this rule is immune from civil liability for making the report.

(6) A pharmacist who has reasonable grounds to believe that any violation of these rules has occurred, must notify the Board within 10 days. However, in the event of a significant drug loss or violation related to drug theft, the pharmacist shall notify the Board within one (1) business day.

(7) A pharmacist must notify the Board in writing, within 15 days, of any change in **e-mail address**, employment location or residence address.

Stat. Auth.: ORS 689.205

Stats. Implemented: 689.151, 689.155 & 689.455

**855-019-0320**

### **Petition for Reinstatement of Pharmacist Licenses**

~~(1) A pharmacist license which has been revoked, suspended or restricted will be reinstated only if the Board finds, upon a presentation made by the petitioner, that there is a reasonable assurance that the public interest will be protected if relicensure occurs.~~

~~(2) A presentation must consist of a showing by the petitioner of changed circumstances from those surrounding the revocation, suspension or restriction of license. The presentation must include:~~

~~(a) A showing that the petitioner has engaged in treatment, programs, or other endeavors or activities since the suspension, revocation or restriction of license which has caused the rehabilitation of the petitioner to the extent that the public's interest would be protected if relicensure should be granted.~~

~~(b) Medical, psychological, sociological or other physical, mental or moral appraisals, evaluations or recommendations relating to the petitioner to aid the Board in its determination whether the petitioner has been rehabilitated to the extent that the public's interest would be protected if relicensure should be granted.~~

~~(3) Petitions to the Board for reinstatement of licensure after suspension, revocation or restriction must be in writing and must contain:~~

~~(a) A written statement of those changed circumstances which the petitioner believes warrant the Board's finding that there is a reasonable assurance that the public interest will be protected if relicensure occurs. Such statement must include a recitation of the treatment, programs, or other endeavors or activities undertaken by the petitioner, more particularly referred to subsection (2)(a) of this rule.~~

~~(b) A summarization of the medical, psychological, sociological or other physical, mental, or moral appraisals or recommendations which the petitioner intends to present to the Board pursuant to subsection (2)(b) of this rule.~~

~~(4) If, after opportunity is afforded the petitioner to show otherwise, the Board determines that a petition fails to comply with section (3) of this rule, or has not been made within a reasonable interval from the suspension, revocation, or restriction of license or from a previous petition, the Board will dismiss the petition without further investigation and hearing before the Board.~~

~~(5) Petitions which comply with section (3) of this rule will be scheduled for presentation of proof before the Board, and the petitioner will be notified of the time and place.~~

~~(6) The completion of any treatment, program or activity which the Board may recommend does not establish a right to reinstatement. The Board must, in each and every case, make a finding based upon the presentation of the petitioner that there is a reasonable assurance that the public interest will be protected if relicensure occurs.~~

Stat. Auth.: ORS 689.205

Stats. Implemented: ORS 689.151, 689.155, 689.445