

OFFICE OF THE SECRETARY OF STATE

SHEMIA FAGAN
SECRETARY OF STATE

CHERYL MYERS
DEPUTY SECRETARY OF STATE



ARCHIVES DIVISION

STEPHANIE CLARK
DIRECTOR

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

TEMPORARY ADMINISTRATIVE ORDER
INCLUDING STATEMENT OF NEED & JUSTIFICATION

BP 13-2022

CHAPTER 855

BOARD OF PHARMACY

FILED

03/28/2022 4:01 PM
ARCHIVES DIVISION
SECRETARY OF STATE
& LEGISLATIVE COUNSEL

FILING CAPTION: Adds 91-day extension after a declared emergency ends

EFFECTIVE DATE: 03/29/2022 THROUGH 09/24/2022

AGENCY APPROVED DATE: 03/28/2022

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):

Proposed amendment adds a 91-day extension after a declared emergency ends.

JUSTIFICATION OF TEMPORARY FILING:

Pharmacies in Oregon continue to experience difficulty with staffing due to COVID-19 and the resulting shortage of pharmacists and pharmacy technicians and the closing of many pharmacies, especially in rural areas. If the proposed rules are not adopted immediately, more pharmacies may be required to close due to lack of adequate staffing, which may further limit access to pharmacy services. Proposed amendments are necessary immediately due to the Governor's announcement that effective 4/1/2022, she is Rescinding Executive Order 20-03; Terminating COVID-19 State of Emergency, Executive Order 21-36 and Rescinding Executive Order 21-36. A Temporary rule will allow pharmacies to continue utilizing pharmacy staff authorized under emergency licensure rules for an additional 91-days after the declared emergency officially ends.

DOCUMENTS RELIED UPON, AND WHERE THEY ARE AVAILABLE:

Governor's Rescinding Executive Order 20-03, Rescinding Executive Order 21-36 and Rescinding Executive Order 21-29 https://www.oregon.gov/gov/eo/eo_22-03.pdf

AMEND: 855-007-0050

RULE SUMMARY: Proposed amendments include adding a 91-day extension period after a declared emergency ends. The revision will allow a drug outlet to employ a pharmacist, intern or pharmacy technician who does not hold a license issued by the board, provided that the individual provides evidence that they hold a comparable license issued by any other state or signatory to PNEMA or EMAC for an additional 91 days after the declared emergency ends.

CHANGES TO RULE:

855-007-0050

Emergency Licensure **¶**

(1) Article V of ORS 401.043 (EMAC) and Article V of Annex B of PNEMA provide that whenever a person holds a license, certificate or other permit issued by a signatory to the compact evidencing the meeting of qualifications for professional, mechanical or other skills, and when such assistance is requested by the receiving signatory, the person is deemed to be licensed, certified or permitted by the signatory requesting assistance to render aid involving the skill to meet an emergency or disaster, to the extent allowed by law and subject to limitations and conditions as the requesting signatory prescribes by executive order or otherwise.¶¶

(2) When an emergency has been declared and for 91-days after it ends, a drug outlet may employ a pharmacist, intern or pharmacy technician who does not hold a license issued by the Board, provided that the individual provides evidence that they hold a comparable license issued by any other state or signatory to PNEMA or EMAC.¶¶

(3) In an emergency, the Board may grant an emergency temporary license to a licensee of the board of pharmacy of any state, province, foreign state or political sub-division that is not a signatory to PNEMA or EMAC as follows:¶¶

(a) A pharmacist, intern, pharmacy technician or certified pharmacy technician who holds an active license in another state, province, foreign state or political sub-division that is not suspended or restricted for any reason and who is sponsored by a pharmacy that has an active registration from the Board may be granted an emergency temporary license subject to approval by the Board of an application that contains:¶¶

(A) The name, permanent address and phone number of the applicant;¶¶

(B) The license number and state, province or political sub-division of permanent licensure;¶¶

(C) The name and license number of the sponsoring Oregon pharmacy; and¶¶

(D) Any other information requested by the Board.¶¶

(b) The emergency temporary license issued under these rules shall be valid for a period determined by the Board, but not exceeding six months. If the emergency still exists after six months, the Board may renew any emergency temporary license for an additional six months.¶¶

(c) The Board shall notify the sponsoring pharmacy of the approval of each emergency temporary license.¶¶

(d) A licensee granted an emergency temporary license under this rule may only practice in the sponsoring pharmacy or a pharmacy under common ownership with the sponsoring pharmacy, except that the licensee may transfer to another pharmacy that is not under common ownership with the sponsoring pharmacy, provided that the licensee notifies the Board within three days.¶¶

(4) Inactive License Reactivation: In an emergency, the Board may allow a pharmacist whose license has been inactive for no more than two years to reactivate their license without completing any required continuing education or MPJE. The license will revert to an inactive status at the end of six months unless all required continuing education has been completed.

Statutory/Other Authority: ORS 401.065, 433.441, 689.205

Statutes/Other Implemented: 2008 OL Ch. 25, ORS 689.151, 689.155