



## PERMANENT ADMINISTRATIVE ORDER

**BP 19-2022**  
CHAPTER 855  
BOARD OF PHARMACY

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FILING CAPTION: Requires pharmacies post accurate hours of operation and update due to temporary or emergency closure

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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

### RULES:

855-041-1015, 855-041-1035, 855-041-1092, 855-139-0145, 855-139-0155

AMEND: 855-041-1015

REPEAL: Temporary 855-041-1015 from BP 28-2021

NOTICE FILED DATE: 02/23/2022

RULE SUMMARY: Removes language related to displaying accurate hours at each pharmacy entrance, each telephone greeting and pharmacy operated internet (e.g. website, social media, mobile applications) from OAR 855-041-1015 and moves these requirements into OAR 855-041-1035 (1)(g)(E) and (1)(h).

### CHANGES TO RULE:

855-041-1015

Operation of Pharmacy (Both Retail and Institutional Drug Outlets) ¶¶

(1) Supervision. A pharmacy may only be operated when a pharmacist licensed to practice in this state is present. This means that the pharmacist must be physically present in the pharmacy or institutional facility.¶¶

(2) Sanitation:¶¶

(a) Pharmacies shall be kept clean.¶¶

(b) Persons working in a pharmacy shall practice appropriate infection control.

Statutory/Other Authority: ORS 689.305

Statutes/Other Implemented: ORS 689.305

AMEND: 855-041-1035

NOTICE FILED DATE: 02/23/2022

RULE SUMMARY: Amendments add accurate pharmacy hours information and requirements to (1)(g)(E) and (1)(h).

CHANGES TO RULE:

855-041-1035

#### Minimum Equipment Requirements ¶¶

(1) Each retail drug outlet and institutional drug outlet must have the following:¶¶

- (a) Appropriate and current pharmaceutical references (e.g. pharmacology, injectables, and veterinary drugs) based on services offered by the outlet; ¶¶
- (b) Appropriate and current Oregon Revised Statutes, Oregon Administrative Rules, United States Code, Code of Federal Regulations, standards adopted by reference (e.g. USP) based on services offered by the outlet and a minimum of three years of the Board of Pharmacy quarterly newsletters;¶¶
- (c) Access to appropriate electronic reporting databases (e.g. PDMP, NPLEx, OHA ALERT-IIS) based on the services offered by the outlet;¶¶
- (d) Appropriate equipment to maintain the proper storage of drugs;¶¶
- (e) Appropriate equipment and supplies as required by Oregon Revised Statutes, Oregon Administrative Rules, United States Code, Code of Federal Regulations, and standards adopted by reference (e.g. USP) based on services offered by the outlet;¶¶
- (f) A sink with running hot and cold water;¶¶
- (g) Signage in a location easily seen by the public where prescriptions are dispensed or administered: ¶¶
  - (A) Stating "This pharmacy may be able to substitute a less expensive drug which is therapeutically equivalent to the one prescribed by your doctor unless you do not approve." The printing on this sign must be in block letters not less than one inch in height. ¶¶
  - (B) Providing notification in each of the languages required in OAR 855-041-1132 of the right to free, competent oral interpretation and translation services, including translated prescription labels, for patients who are of limited English proficiency, in compliance with federal and state regulations if the pharmacy dispenses prescriptions for a patient's self-administration;¶¶
  - (C) Providing notification by posting a closed sign at the entrances stating the hours of the pharmacy's operation when a pharmacist is not in attendance if the pharmacy operates as a double set-up pharmacy per OAR 855-041-2100; ~~and~~¶¶
  - (D) Providing written notice in a conspicuous manner that naloxone and the necessary medical supplies to administer naloxone are available at the pharmacy if naloxone services are provided by the pharmacy per OAR 855-041-2340; ~~and~~¶¶
  - (E) Providing notification of accurate hours of operation at each pharmacy entrance; and¶¶
  - (h) Accurate hours of operation on each telephone greeting and pharmacy-operated internet (e.g. website, social media, mobile applications).¶¶
  - (h) Additional equipment and supplies that are determined as necessary by the Pharmacy or Pharmacist-in-Charge.¶¶
- (2) Failure to have, use and maintain required equipment constitutes unprofessional conduct under ORS 689.405(1)(a);  
Statutory/Other Authority: ORS 689.205  
Statutes/Other Implemented: ORS 689.155, ORS 689.508, ORS 689.515, ORS 689.564, ORS 689.686

ADOPT: 855-041-1092

REPEAL: Temporary 855-041-1092 from BP 10-2022

NOTICE FILED DATE: 02/23/2022

RULE SUMMARY: Adds requirements for pharmacy to notify the public of a temporary or emergency pharmacy closure.

CHANGES TO RULE:

855-041-1092

Pharmacy Closures: Temporary or Emergency

(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 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, inclement weather, 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, ORS 475.035

Statutes/Other Implemented: ORS 689.205

ADOPT: 855-139-0145

REPEAL: Temporary 855-139-0145 from BP 10-2022

NOTICE FILED DATE: 02/23/2022

RULE SUMMARY: Adds requirements for RDSP to notify the public of a temporary or emergency pharmacy closure.

CHANGES TO RULE:

855-139-0145

Outlet: Closure- Temporary or Emergency

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

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

(A) Estimated period of time the RDSP 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 RDSP 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 RDSP 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 the RDSP is closed suddenly due to fire, destruction, natural disaster, death, property seizure, eviction, bankruptcy, inclement weather, 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 475.035, ORS 689.205, 2021 SB 629

Statutes/Other Implemented: ORS 689.155, 2021 SB 629

AMEND: 855-139-0155

NOTICE FILED DATE: 02/23/2022

RULE SUMMARY: Amendments add accurate RDSP hours information and requirements to (1)(g)(E) and (1)(h).

CHANGES TO RULE:

855-139-0155

Outlet: Minimum Equipment Requirements

(1) Each Oregon Retail Drug Outlet RDSP must have the following:¶

(a) Appropriate and current pharmaceutical references (e.g. pharmacology, injectables, and veterinary drugs) services offered by the outlet; ¶

(b) Appropriate and current Oregon Revised Statutes, Oregon Administrative Rules, United States Code, Code of Federal Regulations, standards adopted by reference (e.g. USP) based on services offered by the outlet and a minimum of three years of the Board of Pharmacy quarterly newsletters;¶

(c) Access to appropriate electronic reporting databases (e.g. PDMP, NPLEx, OHA ALERT-IIS) based on the services offered by the outlet;¶

(d) Appropriate equipment to maintain the proper storage of drugs;¶

(e) Appropriate equipment and supplies as required by Oregon Revised Statutes, Oregon Administrative Rules, United States Code, Code of Federal Regulations, and standards adopted by reference (e.g. USP) based on services offered by the outlet;¶

(f) A sink with running hot and cold water;¶

(g) Signage in a location easily seen by the public where prescriptions are dispensed or administered: ¶

(A) Stating "This pharmacy may be able to substitute a less expensive drug which is therapeutically equivalent to the one prescribed by your doctor unless you do not approve." The printing on this sign must be in block letters not less than one inch in height. ¶

(B) Providing notification in each of the languages required in OAR 855-139-0062410 of the right to free, competent oral interpretation and translation services, including translated prescription labels, for patients who are of limited English proficiency, in compliance with federal and state regulations if the pharmacy dispenses prescriptions for a patient's self-administration;¶

(C) Providing written notice in a conspicuous manner that naloxone and the necessary medical supplies to administer naloxone are available at the pharmacy if naloxone services are provided by the pharmacy per OAR 855-139-0215; and 720; ¶

(D) Stating "This location is a Remote Dispensing Site Pharmacy, supervised by an Oregon licensed Pharmacist from (insert name of RDSP Affiliated Pharmacy, address, and telephone number)." The printing on the sign must be in block letters not less than one inch in height; and ¶

~~(E) Providing notification of accurate hours of operation at each pharmacy entrance; and ¶~~

(h) Accurate hours of operation on each telephone greeting and pharmacy-operated internet (e.g. website, social media, mobile applications).¶

(i) Additional equipment and supplies that are determined as necessary by the Pharmacy or Pharmacist-in-Charge.¶

(2) Failure to have, use and maintain required equipment constitutes unprofessional conduct under ORS 689.405(1)(a).

Statutory/Other Authority: ORS 689.205, ORS 689.686, ORS 689.515, 2021 SB 629

Statutes/Other Implemented: ORS 689.155