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ARCHIVES DIVISION

STEPHANIE CLARK
DIRECTOR

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

NOTICE OF PROPOSED RULEMAKING
INCLUDING STATEMENT OF NEED & FISCAL IMPACT

CHAPTER 855
BOARD OF PHARMACY

FILED

04/17/2024 9:49 AM
ARCHIVES DIVISION
SECRETARY OF STATE

FILING CAPTION: Permits a supervising Pharmacist fluent in patient language to supervise Intern interpretation during counseling

LAST DAY AND TIME TO OFFER COMMENT TO AGENCY: 05/22/2024 4:30 PM

The Agency requests public comment on whether other options should be considered for achieving the rule's substantive goals while reducing negative economic impact of the rule on business.

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

HEARING(S)

Auxiliary aids for persons with disabilities are available upon advance request. Notify the contact listed above.

DATE: 05/22/2024

TIME: 9:30 AM

OFFICER: Rachel Melvin

REMOTE HEARING DETAILS

MEETING URL: [Click here to join the meeting](#)

PHONE NUMBER: 503-446-4951

CONFERENCE ID: 392711816

SPECIAL INSTRUCTIONS:

This hearing meeting will be held virtually via Microsoft Teams.

If you wish to present oral testimony virtually during this hearing, sign up on our website at

www.oregon.gov/pharmacy/pages/

rulemaking-information or email your first and last name and email address to

pharmacy.rulemaking@bop.oregon.gov to receive a calendar invitation to join the virtual hearing. Please indicate which rule(s) you would like to comment on.

You must submit written comments before 4:30PM on May 22, 2024. Email written comments to pharmacy.rulemaking@bop.oregon.gov.

NEED FOR THE RULE(S)

To align with OAR 855-115-0145, this proposed amendment clarifies that a supervising Pharmacist who is also fluent in the language being interpreted may communicate directly with a patient who prefers to communicate in a language other than English or who communicates in signed language without mandating the use of a health care interpreter registered by the Oregon Health Authority.

DOCUMENTS RELIED UPON, AND WHERE THEY ARE AVAILABLE

ORS 413.558 https://www.oregonlegislature.gov/bills_laws/ors/ors413.html

OAR 855-115-0145 <https://secure.sos.state.or.us/oard/viewSingleRule.action?ruleVrsnRsn=308901>

OAR 855-120-0150 <https://secure.sos.state.or.us/oard/viewSingleRule.action?ruleVrsnRsn=304249>

STATEMENT IDENTIFYING HOW ADOPTION OF RULE(S) WILL AFFECT RACIAL EQUITY IN THIS STATE

The proposed amendment may provide clarity, transparency and promote patient safety, no effects on racial equity are anticipated.

FISCAL AND ECONOMIC IMPACT:

No fiscal or economic impacts are anticipated.

COST OF COMPLIANCE:

(1) Identify any state agencies, units of local government, and members of the public likely to be economically affected by the rule(s). (2) Effect on Small Businesses: (a) Estimate the number and type of small businesses subject to the rule(s); (b) Describe the expected reporting, recordkeeping and administrative activities and cost required to comply with the rule(s); (c) Estimate the cost of professional services, equipment supplies, labor and increased administration required to comply with the rule(s).

There are no known economic impacts to the agency, other state or local government, small businesses or members of the public.

DESCRIBE HOW SMALL BUSINESSES WERE INVOLVED IN THE DEVELOPMENT OF THESE RULE(S):

Small businesses were not involved in determining to amend the rule. A notice of rulemaking hearing will be sent to interested parties, some of whom may identify as a small business and will have an opportunity to provide public comment on the proposed rule amendment.

WAS AN ADMINISTRATIVE RULE ADVISORY COMMITTEE CONSULTED? NO IF NOT, WHY NOT?

The board adopted Division 120 Interns and Preceptors effective 3/1/2024. The resources involved in convening an RAC were not necessary to amend this rule.

AMEND: 855-120-0150

RULE SUMMARY: Proposes amending (1)(c) by incorporating "Pharmacist or" to allow a supervising Pharmacist or a Preceptor who is also fluent in the language being interpreted to communicate with a patient who prefers to communicate in a language other than English or who communicates in signed language without mandating the use of a health care interpreter registered by the Oregon Health Authority. Interns are only permitted to practice pharmacy under the supervision of a Pharmacist or a Healthcare Preceptor with the practice of pharmacy within their scope.

CHANGES TO RULE:

855-120-0150

Prohibited Practices - Intern

(1) An Intern must not:¶

(a) Practice pharmacy as defined in ORS 689.005 except as permitted by the Pharmacist or Healthcare Preceptor who is supervising the Intern;¶

(b) Engage in any form of discrimination, harassment, intimidation, or assault in the workplace; ¶

(c) Communicate (e.g., counseling, patient care services, billing) with a patient who prefers to communicate in a language other than English or who communicates in signed language, unless the Intern is a health care interpreter registered by the Oregon Health Authority under ORS 413.558 or the supervising Pharmacist or Preceptor is also

fluent in the language being interpreted; or¶¶

(d) Engage in patient care services when the supervising Pharmacist is not trained and qualified to perform the service.¶¶

(2) Until an Intern has successfully completed their first academic year, an Intern may observe, but must not:¶¶

(a) Conduct a Drug Utilization Review or Drug Regimen Review;¶¶

(b) Counsel a patient or the patient's agent regarding a prescription, either prior to or after dispensing, or regarding any medical information contained in the patient's record or chart;¶¶

(c) Advise on therapeutic values, content, hazards and use of drugs and devices;¶¶

(d) Conduct Medication Therapy Management;¶¶

(e) Practice pursuant to a Clinical Pharmacy Agreement or engage in Collaborative Drug Therapy Management;¶¶

(f) Practice pursuant to Statewide Drug Therapy Management Protocols;¶¶

(g) Prescribe a vaccine, drug or device; or ¶¶

(h) Perform verification as defined in OAR 855-006-0005.

Statutory/Other Authority: ORS 689.205

Statutes/Other Implemented: ORS 689.155