

OFFICE OF THE SECRETARY OF STATE

LAVONNE GRIFFIN-VALADE
SECRETARY OF STATE

CHERYL MYERS
DEPUTY SECRETARY OF STATE
AND TRIBAL LIAISON



ARCHIVES DIVISION

STEPHANIE CLARK
DIRECTOR

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

PERMANENT ADMINISTRATIVE ORDER

BP 52-2024

CHAPTER 855

BOARD OF PHARMACY

FILED

06/18/2024 8:43 AM
ARCHIVES DIVISION
SECRETARY OF STATE
& LEGISLATIVE COUNSEL

FILING CAPTION: Amends rule regarding delegation of final verification

EFFECTIVE DATE: 06/20/2024

AGENCY APPROVED DATE: 06/13/2024

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

AMEND: 855-115-0130

NOTICE FILED DATE: 04/17/2024

RULE SUMMARY: Amendment adds "drug" and removes "form" from OAR 855-115-0130(3). The current rule permits a pharmacist to delegate final verification of a drug dosage "form" to a technician. ORS 689.703 does not permit final verification of the drug dosage "form" by a technician.

CHANGES TO RULE:

855-115-0130

Responsibilities: Practicing Pharmacy for a Drug Outlet

(1) When practicing pharmacy per ORS 689 for a Drug Outlet, each Pharmacist must:¶

(a) Be responsible for the daily conduct, operation, management and control of the Drug Outlet pharmacy;¶

(b) Ensure that only a Pharmacist has access to the Drug Outlet pharmacy when the pharmacy is closed, except as permitted in OAR 855-041-6310;¶

(c) Ensure each prescription contains all the elements required in OAR 855-041 or OAR 855-139; ¶

(d) Ensure the patient record contains the elements required in OAR 855-041 or OAR 855-139;¶

(e) Ensure prescriptions, prescription refills, and drug orders are dispensed:¶

(A) Accurately;¶

(B) To the correct party;¶

(C) Pursuant to a valid prescription; ¶

(D) Pursuant to a valid patient-practitioner relationship; and ¶

(E) For a legitimate medical purpose;¶

(f) Ensure the Drug Outlet pharmacy is operated in a professional manner at all times; ¶

(g) Ensure the drug outlet reports data as required by federal and state regulations, including but not limited to:¶

(A) Prescription Drug Monitoring Program (PDMP) per ORS 413A.890, ORS 413A.895, ORS 413A.896, ORS 413A.898, and OAR 333-023;¶

(B) Death with Dignity per ORS 127.800, ORS 127.805, ORS 127.810, ORS 127.815, ORS 127.820, ORS 127.825, ORS 127.830, ORS 127.835, ORS 127.840, ORS 127.845, ORS 127.850, ORS 127.855, ORS 127.860, ORS 127.865, ORS 127.870, ORS 127.875, ORS 127.880, ORS 127.885, ORS 127.890, ORS 127.892, ORS 127.895, ORS 127.897, and OAR 333-009;¶

(C) Controlled substances per 21 CFR 1301.74 (v. 04/01/20223); and¶

(D) Listed chemicals per 21 CFR 1310.05 (v. 04/01/20223); and¶

(2) A Pharmacist who utilizes licensees remotely, must comply with OAR 855-041-3200 through OAR 855-041-

3250.¶¶

(3) When engaging in the practice of pharmacy per ORS 689, each Pharmacist may delegate final verification of drug and ~~drug dosage form~~, device, or product to a Certified Oregon Pharmacy Technician or Pharmacy Technician per ORS 689.005 when the following conditions are met:¶¶

- (a) The Pharmacist utilizes reasonable professional judgment to determine that a Certified Oregon Pharmacy Technician or Pharmacy Technician may perform final verification;¶¶
- (b) The Certified Oregon Pharmacy Technician or Pharmacy Technician does not use discretion in conducting final verification;¶¶
- (c) The Pharmacist delegating final verification is supervising the Certified Oregon Pharmacy Technician or Pharmacy Technician; and¶¶
- (d) Ensure the Certified Oregon Pharmacy Technician or Pharmacy Technician is performing a physical final verification.¶¶

[Publications: Publications referenced are available for review at the agency.]

Statutory/Other Authority: ORS 689.205

Statutes/Other Implemented: ORS 689.155, ORS 689.703