

House Bill 3110

Sponsored by Representative WITT; Representatives BOONE, DEMBROW, KAHL, MATTHEWS, RILEY, ROBLAN, SCHAUFLEER, Senators BURDICK, DINGFELDER, PROZANSKI, ROSENBAUM, WALKER

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Expands State Board of Pharmacy to include two pharmacy technicians.

A BILL FOR AN ACT

1
2 Relating to State Board of Pharmacy; creating new provisions; and amending ORS 689.115 and
3 689.125.

4 **Be It Enacted by the People of the State of Oregon:**

5 **SECTION 1.** ORS 689.115 is amended to read:

6 689.115. (1) The State Board of Pharmacy shall consist of [*seven*] **nine** members, two of whom
7 shall be representatives of the public, **two of whom shall be pharmacy technicians**, and the re-
8 maining five of whom shall be [*licensed*] pharmacists. The members [*shall*] **must** possess the quali-
9 fications specified in subsections (2) [*and (3)*] **to (4)** of this section.

10 (2) The public members of the State Board of Pharmacy [*shall*] **must** be residents of this state
11 who have attained the age of majority, [*and shall not be nor shall they*] **may not be or** ever have
12 been a member of the profession of pharmacy, [*or*] **may not be** persons who have any immediate
13 family in the profession of pharmacy, [*or*] **may not be** persons who have ever had any material fi-
14 nancial interest in the providing of pharmacy service [*or*] **and may not be persons** who have en-
15 gaged in any activity directly related to the practice of pharmacy.

16 **(3) The pharmacy technician members of the board must at the time of their appoint-**
17 **ment:**

18 **(a) Be residents of this state;**

19 **(b) Be licensed and in good standing to perform the duties of a pharmacy technician in**
20 **this state; and**

21 **(c) Be engaged in the performance of the duties of a pharmacy technician in this state.**

22 [(3)] **(4)** The [*licensed*] pharmacist members of the board [*shall*] **must** at the time of their ap-
23 pointment:

24 (a) Be residents of this state;

25 (b) Be licensed and in good standing to engage in the practice of pharmacy in this state;

26 (c) Be engaged in the practice of pharmacy in this state; and

27 (d) Have five years of experience in the practice of pharmacy in this state after licensure.

28 [(4)] **(5)** The Governor shall appoint the members of the State Board of Pharmacy, subject to the
29 advice and consent of the Senate, and in accordance with the other provisions of subsection [(5)] **(6)**
30 of this section.

31 [(5)] **(6)** At least five recommendations for appointment to each vacancy on the board may be

NOTE: Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted. New sections are in **boldfaced** type.

1 made to the Governor by a task force assembled by the Oregon State Pharmacists Association to
 2 represent all of the interested pharmacy groups. [*Such nominations shall be*] **The** recommendations
 3 [*only and shall not be*] **are not** binding in any manner upon the Governor.

4 [(6)] (7) Any vacancy [*which*] **that** occurs in the membership of the board for any reason, in-
 5 cluding expiration of term, removal, resignation, death, disability or disqualification, shall be filled
 6 by the Governor in the manner prescribed by subsections [(4) and] (5) **and** (6) of this section. The
 7 Governor shall fill vacancies [*which*] **that** occur by expiration of full terms within 90 days prior to
 8 each date of expiration, and shall fill vacancies [*which*] **that** occur for any other reason within 60
 9 days after each such vacancy occurs.

10 **SECTION 2.** ORS 689.125 is amended to read:

11 689.125. (1) Except as provided in subsection (2) of this section, members of the State Board of
 12 Pharmacy shall be appointed for a term of four years, except that members of the board who are
 13 appointed to fill vacancies [*which*] **that** occur prior to the expiration of a former member's full term
 14 shall serve the unexpired portion of such term.

15 (2)(a) The terms of the members of the board shall be staggered, so that the terms of no more
 16 than [*two*] **three** members [*shall*] expire in any year.

17 [(b) *The present members of the board shall serve the balance of their terms.*]

18 [(c) *Any present board member appointed initially for a term of less than four years shall be eli-*
 19 *gible to serve for two additional full terms.*]

20 (3) [*No*] **A** member of the board [*shall*] **may not** serve more than two consecutive full terms.
 21 The completion of the unexpired portion of a full term [*shall*] **does** not constitute a full term for
 22 purposes of this section.

23 (4) An appointee to a full term on the board shall be appointed by the Governor before the ex-
 24 piration of the [*terms*] **term** of the member being succeeded, and shall become a member of the board
 25 on the first day of the state fiscal year next following the appointment. Appointees to unexpired
 26 portions of full terms shall become members of the board on the day next following such appoint-
 27 ment. In the event the number of board members is increased, the term of any new member shall
 28 commence at such time as is designated in the statute providing for the enlargement of the board.

29 (5) Each term of office on the board [*shall expire*] **expires** at midnight on the last day of the
 30 state fiscal year in the final year of the board member's term or on the date the successor is ap-
 31 pointed and qualified, except for Senate confirmation, whichever [*shall later occur*] **occurs later**.

32 (6) The Governor may remove a member of the board, pursuant to the procedures set forth in
 33 subsection (7) of this section, upon one or more of the following grounds:

34 (a) The refusal or inability for any reason of [*a*] **the** board member to perform the duties of a
 35 member of the board in an efficient, responsible and professional manner;

36 (b) The misuse of office by [*a member of the board*] **the board member** to obtain personal,
 37 pecuniary or material gain or advantage for self or for another through such office; or

38 (c) The violation by [*any*] **the board** member of **any provision of** this chapter or any of the
 39 rules adopted [*hereunder*] **under this chapter**.

40 (7) The procedures shall be as stated in ORS chapter 183 to remove a member of the board from
 41 office for any of the grounds specified by subsection (6) of this section.

42 **SECTION 3.** (1) **Notwithstanding the term of office specified in ORS 689.125, of the phar-**
 43 **macy technician members added to the State Board of Pharmacy by the amendments to ORS**
 44 **689.115 by section 1 of this 2009 Act:**

45 (a) **One shall serve for a term ending June 30, 2012.**

1 **(b) One shall serve for a term ending June 30, 2013.**

2 **(2) The terms of office specified in subsection (1) of this section shall commence on July**
3 **1, 2010.**

4 **(3) Notwithstanding the limitation in ORS 689.125 (3) on the term of service, a member**
5 **added to the board under this section is eligible to serve for two additional full terms.**

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