

Enrolled
Senate Bill 605

Sponsored by Senator MONNES ANDERSON; Senators BATES, DEVLIN, KRUSE, Representatives BRUUN, DEMBROW, KOTEK, MAURER, SHIELDS

CHAPTER

AN ACT

Relating to nurses; amending ORS 678.390.

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

SECTION 1. ORS 678.390, as amended by section 3, chapter 4, Oregon Laws 2008, is amended to read:

678.390. (1) The Oregon State Board of Nursing may grant to a certified nurse practitioner or certified clinical nurse specialist the privilege of writing prescriptions, including prescriptions for controlled substances listed in schedules II, III, III N, IV and V.

(2) A certified nurse practitioner or certified clinical nurse specialist may submit an application to the Oregon State Board of Nursing to dispense prescription drugs. The Oregon State Board of Nursing shall provide immediate notice to the State Board of Pharmacy upon receipt and upon approval of an application from a certified nurse practitioner or certified clinical nurse specialist for authority to dispense prescription drugs to the patients of the applicant.

(3) An application for the authority to dispense prescription drugs as authorized under subsection (1) of this section must include:

(a) Evidence of completion of a prescription drug dispensing training program jointly developed and adopted by rule by the Oregon State Board of Nursing and the State Board of Pharmacy.

(b) Except when a certified nurse practitioner is seeking authority to dispense prescription drugs at a qualified institution of higher education as defined in ORS 399.245, demonstration of a lack of readily available access to pharmacy services in the practice area of the applicant and that the lack of access would be corrected by granting authority to dispense prescription drugs by the applicant. Lack of readily available access to pharmacy services for patients may be established by evidence:

(A) That the patients of the applicant are located:

(i) Outside the boundaries of a metropolitan statistical area;

(ii) Thirty or more highway miles from the closest hospital within the major population center in a metropolitan statistical area; or

(iii) In a county with a population of less than 75,000; or

(B) Of financial barrier to access, including but not limited to receiving services from a health care safety net clinic or eligibility for participation in a patient assistance program of a pharmaceutical company.

(c) Any other information required by the Oregon State Board of Nursing.

(4) Prescription drugs dispensed by a certified nurse practitioner or certified clinical nurse specialist shall be personally dispensed by the certified nurse practitioner or certified

clinical nurse specialist, except that nonjudgmental dispensing functions may be delegated to staff assistants when:

(a) The accuracy and completeness of the prescription is verified by the certified nurse practitioner or certified clinical nurse specialist; and

(b) The prescription drug is labeled with the name of the patient to whom it is being dispensed.

[(4)] (5) The Oregon State Board of Nursing shall adopt rules requiring:

(a) Drugs dispensed by certified nurse practitioners and certified clinical nurse specialists to be either prepackaged by a manufacturer registered with the State Board of Pharmacy or repackaged by a pharmacist licensed by the State Board of Pharmacy under ORS chapter 689;

(b) Labeling requirements for drugs dispensed by certified nurse practitioners and certified clinical nurse specialists that are the same as labeling requirements required of pharmacies licensed under ORS chapter 689;

(c) Record keeping requirements for prescriptions and drug dispensing by a certified nurse practitioner and a certified clinical nurse specialist that are the same as the record keeping requirements required of pharmacies licensed under ORS chapter 689;

(d) A dispensing certified nurse practitioner and a dispensing certified clinical nurse specialist to have available at the dispensing site a hard copy or electronic version of prescription drug reference works commonly used by professionals authorized to dispense prescription medications; and

(e) A dispensing certified nurse practitioner and a dispensing certified clinical nurse specialist to allow representatives of the State Board of Pharmacy, upon receipt of a complaint, to inspect a dispensing site after prior notice to the Oregon State Board of Nursing.

[(5)] (6) The Oregon State Board of Nursing has sole disciplinary authority regarding certified nurse practitioners and certified clinical nurse specialists who have drug dispensing authority.

[(6)] (7) The privilege of writing prescriptions and dispensing drugs may be denied, suspended or revoked by the Oregon State Board of Nursing upon proof that the privilege has been abused. The procedure shall be a contested case under ORS chapter 183. Disciplinary action under this subsection is grounds for discipline of the certified nurse practitioner or certified clinical nurse specialist in the same manner as a licensee may be disciplined under ORS 678.111.

Passed by Senate March 11, 2009

Received by Governor:

Repassed by Senate June 5, 2009

.....M.,....., 2009

Approved:

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Secretary of Senate

.....M.,....., 2009

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President of Senate

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Governor

Passed by House June 3, 2009

Filed in Office of Secretary of State:

.....M.,....., 2009

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Speaker of House

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Secretary of State