

A-Engrossed
Senate Bill 605

Ordered by the House May 22
Including House Amendments dated May 22

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

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.

Allows certified nurse practitioner or certified clinical nurse specialist approved to dispense prescription drugs to delegate nonjudgmental dispensing functions to staff under certain conditions.

A BILL FOR AN ACT

1
2 Relating to nurses; amending ORS 678.390.

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

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

6 678.390. (1) The Oregon State Board of Nursing may grant to a certified nurse practitioner or
7 certified clinical nurse specialist the privilege of writing prescriptions, including prescriptions for
8 controlled substances listed in schedules II, III, III N, IV and V.

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

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

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

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

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

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

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

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

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

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

5 **(4) Prescription drugs dispensed by a certified nurse practitioner or certified clinical**
6 **nurse specialist shall be personally dispensed by the certified nurse practitioner or certified**
7 **clinical nurse specialist, except that nonjudgmental dispensing functions may be delegated**
8 **to staff assistants when:**

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

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

13 [(4)] **(5)** The Oregon State Board of Nursing shall adopt rules requiring:

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

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

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

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

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

29 [(5)] **(6)** The Oregon State Board of Nursing has sole disciplinary authority regarding certified
30 nurse practitioners and certified clinical nurse specialists who have drug dispensing authority.

31 [(6)] **(7)** The privilege of writing prescriptions and dispensing drugs may be denied, suspended
32 or revoked by the Oregon State Board of Nursing upon proof that the privilege has been abused.
33 The procedure shall be a contested case under ORS chapter 183. Disciplinary action under this
34 subsection is grounds for discipline of the certified nurse practitioner or certified clinical nurse
35 specialist in the same manner as a licensee may be disciplined under ORS 678.111.

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