

Senate Bill 136

Sponsored by Senator MONNES ANDERSON (Presession filed.)

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**.

Provides that Oregon State Board of Nursing may authorize certified registered nurse anesthetists to write prescriptions and dispense prescription drugs.

A BILL FOR AN ACT

Relating to prescription drugs; creating new provisions; and amending ORS 678.390.

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

SECTION 1. ORS 678.390 is amended to read:

678.390. (1) **As used in this section, "nurse" means a certified nurse practitioner, certified clinical nurse specialist or certified registered nurse anesthetist as defined in ORS 678.245.**

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

[(2)] (3) A [*certified nurse practitioner or certified clinical nurse specialist*] **nurse** 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*] **approving an application submitted by a nurse** to dispense prescription drugs [*to the patients of the applicant*].

[(3)] (4) 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*] **evidence** of a lack of readily available access to pharmacy services in the [*practice area of the applicant*] **area in which the applicant practices** and **evidence** that the lack of access would be corrected by [*granting authority*] **authorizing the applicant** 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

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

9 (a) The accuracy and completeness of the prescription is verified by the [*certified nurse practi-*
 10 *tioner or certified clinical nurse specialist*] **nurse**; and

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

12 [(5)] (6) The Oregon State Board of Nursing shall adopt rules requiring:

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

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

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

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

27 (e) A [*dispensing certified nurse practitioner and a dispensing certified clinical nurse specialist*]
 28 **nurse** to allow representatives of the State Board of Pharmacy, upon receipt of a complaint, to in-
 29 spect a dispensing site after prior notice to the Oregon State Board of Nursing.

30 [(6)] (7) The Oregon State Board of Nursing has sole disciplinary authority regarding [*certified*
 31 *nurse practitioners and certified clinical nurse specialists*] **nurses** who have **prescription** drug dis-
 32 pensing authority.

33 [(7)] (8) The [*privilege of writing prescriptions and dispensing*] **authority to write prescriptions**
 34 **or dispense prescription** drugs may be denied, suspended or revoked by the Oregon State Board
 35 of Nursing upon proof that the [*privilege*] **authority** has been abused. The procedure shall be a
 36 contested case under ORS chapter 183. Disciplinary action under this subsection is grounds for
 37 discipline of the [*certified nurse practitioner or certified clinical nurse specialist*] **nurse** in the same
 38 manner as a licensee may be disciplined under ORS 678.111.

39 **SECTION 2. Nothing in the amendments to ORS 678.390 by section 1 of this 2013 Act af-**
 40 **fects the authority of a certified registered nurse anesthetist, as defined in ORS 678.245, to**
 41 **select, order and administer controlled substances in connection with the delivery of anes-**
 42 **thesia services, and a certified registered nurse anesthetist may obtain and renew certif-**
 43 **ication with the Oregon State Board of Nursing without prescriptive authority.**
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