

Senate Bill 8

Sponsored by Senator COURTNEY (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**.

Removes certain restrictions on authority of certified nurse practitioner or certified clinical nurse specialist to dispense prescription drugs.

A BILL FOR AN ACT

1
2 Relating to prescription drugs; amending ORS 678.390.

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

4 **SECTION 1.** ORS 678.390 is amended to read:

5 678.390. (1) The Oregon State Board of Nursing may [*grant to*] **authorize** a certified nurse
6 practitioner or certified clinical nurse specialist [*the privilege of writing*] **to write** prescriptions, in-
7 cluding prescriptions for controlled substances listed in schedules II, III, III N, IV and V.

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

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

23 [(A) *That the patients of the applicant are located:]*

24 [(i) *Outside the boundaries of a metropolitan statistical area;]*

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

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

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

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

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 (4) Prescription drugs dispensed by a certified nurse practitioner or certified clinical nurse
2 specialist *[shall]* **must** be personally dispensed by the certified nurse practitioner or certified clinical
3 nurse specialist, except that nonjudgmental dispensing functions may be delegated to staff as-
4 sistants when:

5 (a) The accuracy and completeness of the prescription is verified by the certified nurse practi-
6 tioner or certified clinical nurse specialist; and

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

8 (5) The Oregon State Board of Nursing shall adopt rules requiring:

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

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

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

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

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

24 (6) The Oregon State Board of Nursing has sole disciplinary authority regarding certified nurse
25 practitioners and certified clinical nurse specialists who have **prescription** drug dispensing author-
26 ity.

27 (7) The *[privilege of writing prescriptions and dispensing]* **authority to write prescriptions or**
28 **dispense prescription** drugs may be denied, suspended or revoked by the Oregon State Board of
29 Nursing upon proof that the *[privilege]* **authority** has been abused. The procedure shall be a con-
30 tested case under ORS chapter 183. Disciplinary action under this subsection is grounds for disci-
31 pline of the certified nurse practitioner or certified clinical nurse specialist in the same manner as
32 a licensee may be disciplined under ORS 678.111.

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