

D R A F T

SUMMARY

Permits pharmacists to engage in practice of clinical pharmacy and provide patient care services to patients. Permits health insurers to provide payment or reimbursement for services provided by pharmacist through practice of clinical pharmacy or pursuant to statewide drug therapy management protocol. Defines “clinical pharmacy agreement” and “practice of clinical pharmacy.”

Declares emergency, effective on passage.

A BILL FOR AN ACT

Relating to pharmacy services; creating new provisions; amending ORS 689.005, 689.645, 750.055 and 750.333; and declaring an emergency.

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

SECTION 1. Section 2 of this 2015 Act is added to and made a part of ORS chapter 689.

SECTION 2. In accordance with rules adopted by the State Board of Pharmacy under ORS 689.205, a pharmacist may engage in the practice of clinical pharmacy.

SECTION 3. ORS 689.005 is amended to read:

689.005. As used in this chapter:

(1) “Administer” means the direct application of a drug or device whether by injection, inhalation, ingestion, or any other means, to the body of a patient or research subject by:

(a) A practitioner or the practitioner’s authorized agent; or

(b) The patient or research subject at the direction of the practitioner.

(2) “Approved continuing pharmacy education program” means those seminars, classes, meetings, workshops and other educational programs on

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 the subject of pharmacy approved by the board.

2 (3) “Board of pharmacy” or “board” means the State Board of Pharmacy.

3 (4) **“Clinical pharmacy agreement” means an agreement between a**
4 **pharmacist and a health care organization or a practitioner that per-**
5 **mits the pharmacist to engage in the practice of clinical pharmacy for**
6 **the benefit of the patients of the health care organization or practi-**
7 **tioner.**

8 [(4)] (5) “Continuing pharmacy education” means:

9 (a) Professional, pharmaceutical post-graduate education in the general
10 areas of socio-economic and legal aspects of health care;

11 (b) The properties and actions of drugs and dosage forms; and

12 (c) The etiology, characteristics and therapeutics of the disease state.

13 [(5)] (6) “Continuing pharmacy education unit” means the unit of meas-
14 urement of credits for approved continuing education courses and programs.

15 [(6)] (7) “Deliver” or “delivery” means the actual, constructive or at-
16 tempted transfer of a drug or device other than by administration from one
17 person to another, whether or not for a consideration.

18 [(7)] (8) “Device” means an instrument, apparatus, implement, machine,
19 contrivance, implant, in vitro reagent or other similar or related article, in-
20 cluding any component part or accessory, which is required under federal
21 or state law to be prescribed by a practitioner and dispensed by a
22 pharmacist.

23 [(8)] (9) “Dispense” or “dispensing” means the preparation and delivery
24 of a prescription drug pursuant to a lawful order of a practitioner in a
25 suitable container appropriately labeled for subsequent administration to or
26 use by a patient or other individual entitled to receive the prescription drug.

27 [(9)] (10) “Distribute” means the delivery of a drug other than by admin-
28 istering or dispensing.

29 [(10)] (11) “Drug” means:

30 (a) Articles recognized as drugs in the official United States
31 Pharmacopoeia, official National Formulary, official Homeopathic

1 Pharmacopoeia, other drug compendium or any supplement to any of them;

2 (b) Articles intended for use in the diagnosis, cure, mitigation, treatment
3 or prevention of disease in a human or other animal;

4 (c) Articles, other than food, intended to affect the structure or any
5 function of the body of humans or other animals; and

6 (d) Articles intended for use as a component of any articles specified in
7 paragraph (a), (b) or (c) of this subsection.

8 [(11)] (12) “Drug order” means a written order, in a hospital or other in-
9 patient care facility, for an ultimate user of any drug or device issued and
10 signed by a practitioner, or an order transmitted by other means of commu-
11 nication from a practitioner, that is immediately reduced to writing by a
12 pharmacist, licensed nurse or other practitioner.

13 [(12)] (13) “Drug outlet” means any pharmacy, nursing home, shelter
14 home, convalescent home, extended care facility, drug abuse treatment cen-
15 ter, penal institution, hospital, family planning clinic, student health center,
16 retail store, wholesaler, manufacturer, mail-order vendor or other establish-
17 ment with facilities located within or out of this state that is engaged in
18 dispensing, delivery or distribution of drugs within this state.

19 [(13)] (14) “Drug room” means a secure and lockable location within an
20 inpatient care facility that does not have a licensed pharmacy.

21 [(14)] (15) “Electronically transmitted” or “electronic transmission” means
22 a communication sent or received through technological apparatuses, in-
23 cluding computer terminals or other equipment or mechanisms linked by
24 telephone or microwave relays, or any similar apparatus having electrical,
25 digital, magnetic, wireless, optical, electromagnetic or similar capabilities.

26 [(15)] (16) “Institutional drug outlet” means hospitals and inpatient care
27 facilities where medications are dispensed to another health care profes-
28 sional for administration to patients served by the hospitals or facilities.

29 [(16)] (17) “Intern” means a person who is enrolled in or has completed
30 a course of study at a school or college of pharmacy approved by the board
31 and who is licensed with the board as an intern.

1 [(17)] **(18)** “Internship” means a professional experiential program ap-
2 proved by the board under the supervision of a licensed pharmacist regis-
3 tered with the board as a preceptor.

4 [(18)] **(19)** “Itinerant vendor” means a person who sells or distributes
5 nonprescription drugs by passing from house to house, or by haranguing the
6 people on the public streets or in public places, or who uses the customary
7 devices for attracting crowds, recommending their wares and offering them
8 for sale.

9 [(19)] **(20)** “Labeling” means the process of preparing and affixing of a
10 label to any drug container exclusive, however, of the labeling by a man-
11 ufacturer, packer or distributor of a nonprescription drug or commercially
12 packaged legend drug or device.

13 [(20)] **(21)** “Manufacture” means the production, preparation, propagation,
14 compounding, conversion or processing of a device or a drug, either directly
15 or indirectly by extraction from substances of natural origin or independ-
16 ently by means of chemical synthesis or by a combination of extraction and
17 chemical synthesis and includes any packaging or repackaging of the sub-
18 stances or labeling or relabeling of its container, except that this term does
19 not include the preparation or compounding of a drug by an individual for
20 their own use or the preparation, compounding, packaging or labeling of a
21 drug:

22 (a) By a practitioner as an incident to administering or dispensing of a
23 drug in the course of professional practice; or

24 (b) By a practitioner or by the practitioner’s authorization under super-
25 vision of the practitioner for the purpose of or as an incident to research,
26 teaching or chemical analysis and not for sale.

27 [(21)] **(22)** “Manufacturer” means a person engaged in the manufacture
28 of drugs.

29 [(22)] **(23)** “Nonprescription drug outlet” means shopkeepers and itinerant
30 vendors registered under ORS 689.305.

31 [(23)] **(24)** “Nonprescription drugs” means drugs which may be sold with-

1 out a prescription and which are prepackaged for use by the consumer and
2 labeled in accordance with the requirements of the statutes and regulations
3 of this state and the federal government.

4 [(24)] (25) “Person” means an individual, corporation, partnership, asso-
5 ciation or any other legal entity.

6 [(25)] (26) “Pharmacist” means an individual licensed by this state to en-
7 gage in the practice of pharmacy **or to engage in the practice of clinical**
8 **pharmacy.**

9 [(26)] (27) “Pharmacy” means a place that meets the requirements of rules
10 of the board, is licensed and approved by the board where the practice of
11 pharmacy may lawfully occur and includes apothecaries, drug stores,
12 dispensaries, hospital outpatient pharmacies, pharmacy departments and
13 prescription laboratories but does not include a place used by a manufacturer
14 or wholesaler.

15 [(27)] (28) “Pharmacy technician” means a person licensed by the State
16 Board of Pharmacy who assists the pharmacist in the practice of pharmacy
17 pursuant to rules of the board.

18 (29) “Practice of clinical pharmacy” means:

19 (a) **The health science discipline in which, in conjunction with the**
20 **patient’s other practitioners, a pharmacist provides patient care to**
21 **optimize medication therapy and to promote disease prevention and**
22 **the patient’s health and wellness;**

23 (b) **The provision of patient care services, including but not limited**
24 **to medication therapy management, comprehensive medication review**
25 **and post-diagnostic disease state management services; and**

26 (c) **The practice of pharmacy by a pharmacist pursuant to a clinical**
27 **pharmacy agreement.**

28 [(28)] (30) “Practice of pharmacy” means:

29 (a) The interpretation and evaluation of prescription orders;

30 (b) The compounding, dispensing and labeling of drugs and devices, except
31 labeling by a manufacturer, packer or distributor of nonprescription drugs

1 and commercially packaged legend drugs and devices;

2 (c) The prescribing and administering of vaccines and immunizations **and**
3 **the providing of patient care services** pursuant to ORS 689.645;

4 (d) The administering of drugs and devices to the extent permitted under
5 ORS 689.655;

6 (e) The participation in drug selection and drug utilization reviews;

7 (f) The proper and safe storage of drugs and devices and the maintenance
8 of proper records therefor;

9 (g) The responsibility for advising, where necessary or where regulated,
10 of therapeutic values, content, hazards and use of drugs and devices;

11 (h) The monitoring of therapeutic response or adverse effect to drug
12 therapy; [*and*]

13 **(i) The optimizing of drug therapy through the practice of clinical**
14 **pharmacy; and**

15 [*i*] (j) The offering or performing of those acts, services, operations or
16 transactions necessary in the conduct, operation, management and control
17 of pharmacy.

18 [(29)] (31) "Practitioner" means a person licensed and operating within
19 the scope of such license to prescribe, dispense, conduct research with re-
20 spect to or administer drugs in the course of professional practice or re-
21 search:

22 (a) In this state; or

23 (b) In another state or territory of the United States if the person does
24 not reside in Oregon and is registered under the federal Controlled Sub-
25 stances Act.

26 [(30)] (32) "Preceptor" means a pharmacist or a person licensed by the
27 board to supervise the internship training of a licensed intern.

28 [(31)] (33) "Prescription drug" or "legend drug" means a drug which is:

29 (a) Required by federal law, prior to being dispensed or delivered, to be
30 labeled with either of the following statements:

31 (A) "Caution: Federal law prohibits dispensing without prescription"; or

1 (B) “Caution: Federal law restricts this drug to use by or on the order
2 of a licensed veterinarian”; or

3 (b) Required by any applicable federal or state law or regulation to be
4 dispensed on prescription only or is restricted to use by practitioners only.

5 [(32)] (34) “Prescription” or “prescription drug order” means a written,
6 oral or electronically transmitted direction, given by a practitioner author-
7 ized to prescribe drugs, for the preparation and use of a drug. When the
8 context requires, “prescription” also means the drug prepared under such
9 written, oral or electronically transmitted direction.

10 [(33)] (35) “Retail drug outlet” means a place used for the conduct of the
11 retail sale, administering or dispensing or compounding of drugs or chemi-
12 cals or for the administering or dispensing of prescriptions and licensed by
13 the board as a place wherein the practice of pharmacy may lawfully occur.

14 [(34)] (36) “Shopkeeper” means a business or other establishment, open to
15 the general public, for the sale or nonprofit distribution of drugs.

16 [(35)] (37) “Unit dose” means a sealed single-unit container so designed
17 that the contents are administered to the patient as a single dose, direct from
18 the container. Each unit dose container must bear a separate label, be la-
19 beled with the name and strength of the medication, the name of the man-
20 ufacturer or distributor, an identifying lot number and, if applicable, the
21 expiration date of the medication.

22 [(36)] (38) “Wholesale drug outlet” means any person who imports, stores,
23 distributes or sells for resale any drugs including legend drugs and
24 nonprescription drugs.

25 **SECTION 4.** ORS 689.645 is amended to read:

26 689.645. (1) In accordance with rules adopted by the State Board of
27 Pharmacy under ORS 689.205, a pharmacist may:

28 (a) Administer vaccines:

29 [(a)] (A) To persons who are 11 years of age or older; or

30 [(b)] (B) If authorized by the Governor under ORS 433.441 or the Public
31 Health Director under ORS 433.443 or 433.444, to a person three years of age

1 or older.

2 **(b) Pursuant to a statewide drug therapy management protocol de-**
3 **veloped by the Oregon Health Authority and adopted by rule of the**
4 **board, provide approved patient care services including but not limited**
5 **to smoking cessation therapy and travel health services.**

6 (2) The board may adopt rules allowing a pharmacist to prescribe vaccines
7 **and provide patient care services** under subsection (1) of this section. The
8 rules **related to the prescription of vaccines** may be only as broad as
9 necessary to enable pharmacists to enroll and participate in the Vaccines for
10 Children Program administered by the Centers for Disease Control and Pre-
11 vention.

12 (3) The board is authorized to issue, to licensed pharmacists who have
13 completed training accredited by the Centers for Disease Control and Pre-
14 vention, the American Council on Pharmaceutical Education or a similar
15 health authority or professional body, certificates of special competency in
16 the prescription and administration of vaccines.

17 (4) The board shall adopt rules relating to the reporting of the pre-
18 scription and administration of vaccines to a patient's primary health care
19 provider and to the Oregon Health Authority.

20 (5) The board shall adopt rules requiring pharmacists to establish proto-
21 cols for the prescription and administration of vaccines **and the provision**
22 **of patient care services** under subsection (1) of this section.

23 (6) The board shall convene a volunteer [*Immunization and Vaccination*]
24 **Public Health** Advisory Committee consisting of no more than nine members
25 for the purpose of advising the board in promulgating rules under this sec-
26 tion. The committee shall consist of one representative from the Oregon
27 Health Authority, two representatives from the Oregon Medical Board, two
28 representatives from the Oregon State Board of Nursing and two represen-
29 tatives from the State Board of Pharmacy. The committee may not include
30 more than two pharmacists other than the representatives from the State
31 Board of Pharmacy.

1 **SECTION 5. Section 6 of this 2015 Act is added to and made a part**
2 **of the Insurance Code.**

3 **SECTION 6. Notwithstanding any provisions of a health benefit plan**
4 **as defined in ORS 743.730, whenever the plan provides for payment or**
5 **reimbursement for a service that is within the lawful scope of practice**
6 **of a pharmacist, the insurer may provide payment or reimbursement**
7 **for the service when the service is provided by a pharmacist.**

8 **SECTION 7. ORS 750.055, as amended by section 5, chapter 25, Oregon**
9 **Laws 2014, and section 80, chapter 45, Oregon Laws 2014, is amended to read:**

10 750.055. (1) The following provisions of the Insurance Code apply to
11 health care service contractors to the extent not inconsistent with the ex-
12 press provisions of ORS 750.005 to 750.095:

13 (a) ORS 705.137, 705.139, 731.004 to 731.150, 731.162, 731.216 to 731.362,
14 731.382, 731.385, 731.386, 731.390, 731.398 to 731.430, 731.428, 731.450, 731.454,
15 731.488, 731.504, 731.508, 731.509, 731.510, 731.511, 731.512, 731.574 to 731.620,
16 731.592, 731.594, 731.640 to 731.652, 731.730, 731.731, 731.735, 731.737, 731.750,
17 731.752, 731.804, 731.844 to 731.992, 731.870 and 743.061.

18 (b) ORS 732.215, 732.220, 732.230, 732.245, 732.250, 732.320, 732.325 and
19 732.517 to 732.592, not including ORS 732.582.

20 (c) ORS 733.010 to 733.050, 733.080, 733.140 to 733.170, 733.210, 733.510 to
21 733.680 and 733.695 to 733.780.

22 (d) ORS chapter 734.

23 (e) ORS 742.001 to 742.009, 742.013, 742.061, 742.065, 742.150 to 742.162,
24 742.400, 742.520 to 742.540, 743.010, 743.013, 743.018 to 743.030, 743.050, 743.100
25 to 743.109, 743.402, 743.472, 743.492, 743.495, 743.498, 743.499, 743.522, 743.523,
26 743.524, 743.526, 743.527, 743.528, 743.529, 743.550 to 743.552, 743.560, 743.600
27 to 743.610, 743.650 to 743.656, 743.764, 743.804, 743.807, 743.808, 743.814 to
28 743.839, 743.845, 743.847, 743.854, 743.856, 743.857, 743.858, 743.859, 743.861,
29 743.862, 743.863, 743.864, 743.894, 743.911, 743.912, 743.913, 743.917, 743A.010,
30 743A.012, 743A.020, 743A.034, 743A.036, 743A.048, 743A.058, 743A.062,
31 743A.064, 743A.065, 743A.066, 743A.068, 743A.070, 743A.080, 743A.082,

1 743A.084, 743A.088, 743A.090, 743A.100, 743A.104, 743A.105, 743A.110,
2 743A.140, 743A.141, 743A.144, 743A.148, 743A.150, 743A.160, 743A.164,
3 743A.168, 743A.170, 743A.175, 743A.184, 743A.185, 743A.188, 743A.190, 743A.192
4 and 743A.250 and section 2, chapter 771, Oregon Laws 2013, and section 2,
5 chapter 25, Oregon Laws 2014, **and section 6 of this 2015 Act.**

6 (f) The provisions of ORS chapter 744 relating to the regulation of in-
7 surance producers.

8 (g) ORS 746.005 to 746.140, 746.160, 746.220 to 746.370, 746.600, 746.605,
9 746.607, 746.608, 746.610, 746.615, 746.625, 746.635, 746.650, 746.655, 746.660,
10 746.668, 746.670, 746.675, 746.680 and 746.690.

11 (h) ORS 743A.024, except in the case of group practice health maintenance
12 organizations that are federally qualified pursuant to Title XIII of the Public
13 Health Service Act unless the patient is referred by a physician, physician
14 assistant or nurse practitioner associated with a group practice health
15 maintenance organization.

16 (i) ORS 735.600 to 735.650.

17 (j) ORS 743.680 to 743.689.

18 (k) ORS 744.700 to 744.740.

19 (L) ORS 743.730 to 743.773.

20 (m) ORS 731.485, except in the case of a group practice health mainte-
21 nance organization that is federally qualified pursuant to Title XIII of the
22 Public Health Service Act and that wholly owns and operates an in-house
23 drug outlet.

24 (2) For the purposes of this section, health care service contractors shall
25 be deemed insurers.

26 (3) Any for-profit health care service contractor organized under the laws
27 of any other state that is not governed by the insurance laws of the other
28 state is subject to all requirements of ORS chapter 732.

29 (4) The Director of the Department of Consumer and Business Services
30 may, after notice and hearing, adopt reasonable rules not inconsistent with
31 this section and ORS 750.003, 750.005, 750.025 and 750.045 that are deemed

1 necessary for the proper administration of these provisions.

2 **SECTION 8.** ORS 750.055, as amended by section 33, chapter 698, Oregon
3 Laws 2013, section 6, chapter 25, Oregon Laws 2014, and section 81, chapter
4 45, Oregon Laws 2014, is amended to read:

5 750.055. (1) The following provisions of the Insurance Code apply to
6 health care service contractors to the extent not inconsistent with the ex-
7 press provisions of ORS 750.005 to 750.095:

8 (a) ORS 705.137, 705.139, 731.004 to 731.150, 731.162, 731.216 to 731.362,
9 731.382, 731.385, 731.386, 731.390, 731.398 to 731.430, 731.428, 731.450, 731.454,
10 731.488, 731.504, 731.508, 731.509, 731.510, 731.511, 731.512, 731.574 to 731.620,
11 731.592, 731.594, 731.640 to 731.652, 731.730, 731.731, 731.735, 731.737, 731.750,
12 731.752, 731.804, 731.844 to 731.992, 731.870 and 743.061.

13 (b) ORS 732.215, 732.220, 732.230, 732.245, 732.250, 732.320, 732.325 and
14 732.517 to 732.592, not including ORS 732.582.

15 (c) ORS 733.010 to 733.050, 733.080, 733.140 to 733.170, 733.210, 733.510 to
16 733.680 and 733.695 to 733.780.

17 (d) ORS chapter 734.

18 (e) ORS 742.001 to 742.009, 742.013, 742.061, 742.065, 742.150 to 742.162,
19 742.400, 742.520 to 742.540, 743.010, 743.013, 743.018 to 743.030, 743.050, 743.100
20 to 743.109, 743.402, 743.472, 743.492, 743.495, 743.498, 743.499, 743.522, 743.523,
21 743.524, 743.526, 743.527, 743.528, 743.529, 743.550, 743.552, 743.560, 743.600 to
22 743.610, 743.650 to 743.656, 743.764, 743.804, 743.807, 743.808, 743.814 to 743.839,
23 743.845, 743.847, 743.854, 743.856, 743.857, 743.858, 743.859, 743.861, 743.862,
24 743.863, 743.864, 743.894, 743.911, 743.912, 743.913, 743.917, 743A.010, 743A.012,
25 743A.020, 743A.034, 743A.036, 743A.048, 743A.058, 743A.062, 743A.064,
26 743A.065, 743A.066, 743A.068, 743A.070, 743A.080, 743A.082, 743A.084,
27 743A.088, 743A.090, 743A.100, 743A.104, 743A.105, 743A.110, 743A.140,
28 743A.141, 743A.144, 743A.148, 743A.150, 743A.160, 743A.164, 743A.168,
29 743A.170, 743A.175, 743A.184, 743A.185, 743A.188, 743A.190, 743A.192 and
30 743A.250 and section 2, chapter 771, Oregon Laws 2013, and section 2, chapter
31 25, Oregon Laws 2014, **and section 6 of this 2015 Act.**

1 (f) The provisions of ORS chapter 744 relating to the regulation of in-
2 surance producers.

3 (g) ORS 746.005 to 746.140, 746.160, 746.220 to 746.370, 746.600, 746.605,
4 746.607, 746.608, 746.610, 746.615, 746.625, 746.635, 746.650, 746.655, 746.660,
5 746.668, 746.670, 746.675, 746.680 and 746.690.

6 (h) ORS 743A.024, except in the case of group practice health maintenance
7 organizations that are federally qualified pursuant to Title XIII of the Public
8 Health Service Act unless the patient is referred by a physician, physician
9 assistant or nurse practitioner associated with a group practice health
10 maintenance organization.

11 (i) ORS 743.680 to 743.689.

12 (j) ORS 744.700 to 744.740.

13 (k) ORS 743.730 to 743.773.

14 (L) ORS 731.485, except in the case of a group practice health mainte-
15 nance organization that is federally qualified pursuant to Title XIII of the
16 Public Health Service Act and that wholly owns and operates an in-house
17 drug outlet.

18 (2) For the purposes of this section, health care service contractors shall
19 be deemed insurers.

20 (3) Any for-profit health care service contractor organized under the laws
21 of any other state that is not governed by the insurance laws of the other
22 state is subject to all requirements of ORS chapter 732.

23 (4) The Director of the Department of Consumer and Business Services
24 may, after notice and hearing, adopt reasonable rules not inconsistent with
25 this section and ORS 750.003, 750.005, 750.025 and 750.045 that are deemed
26 necessary for the proper administration of these provisions.

27 **SECTION 9.** ORS 750.055, as amended by section 33, chapter 698, Oregon
28 Laws 2013, section 21, chapter 771, Oregon Laws 2013, section 7, chapter 25,
29 Oregon Laws 2014, and section 82, chapter 45, Oregon Laws 2014, is amended
30 to read:

31 750.055. (1) The following provisions of the Insurance Code apply to

1 health care service contractors to the extent not inconsistent with the ex-
2 press provisions of ORS 750.005 to 750.095:

3 (a) ORS 705.137, 705.139, 731.004 to 731.150, 731.162, 731.216 to 731.362,
4 731.382, 731.385, 731.386, 731.390, 731.398 to 731.430, 731.428, 731.450, 731.454,
5 731.488, 731.504, 731.508, 731.509, 731.510, 731.511, 731.512, 731.574 to 731.620,
6 731.592, 731.594, 731.640 to 731.652, 731.730, 731.731, 731.735, 731.737, 731.750,
7 731.752, 731.804, 731.844 to 731.992, 731.870 and 743.061.

8 (b) ORS 732.215, 732.220, 732.230, 732.245, 732.250, 732.320, 732.325 and
9 732.517 to 732.592, not including ORS 732.582.

10 (c) ORS 733.010 to 733.050, 733.080, 733.140 to 733.170, 733.210, 733.510 to
11 733.680 and 733.695 to 733.780.

12 (d) ORS chapter 734.

13 (e) ORS 742.001 to 742.009, 742.013, 742.061, 742.065, 742.150 to 742.162,
14 742.400, 742.520 to 742.540, 743.010, 743.013, 743.018 to 743.030, 743.050, 743.100
15 to 743.109, 743.402, 743.472, 743.492, 743.495, 743.498, 743.499, 743.522, 743.523,
16 743.524, 743.526, 743.527, 743.528, 743.529, 743.550, 743.552, 743.560, 743.600 to
17 743.610, 743.650 to 743.656, 743.764, 743.804, 743.807, 743.808, 743.814 to 743.839,
18 743.845, 743.847, 743.854, 743.856, 743.857, 743.858, 743.859, 743.861, 743.862,
19 743.863, 743.864, 743.894, 743.911, 743.912, 743.913, 743.917, 743A.010, 743A.012,
20 743A.020, 743A.034, 743A.036, 743A.048, 743A.058, 743A.062, 743A.064,
21 743A.065, 743A.066, 743A.068, 743A.070, 743A.080, 743A.082, 743A.084,
22 743A.088, 743A.090, 743A.100, 743A.104, 743A.105, 743A.110, 743A.140,
23 743A.141, 743A.144, 743A.148, 743A.150, 743A.160, 743A.164, 743A.168,
24 743A.170, 743A.175, 743A.184, 743A.185, 743A.188, 743A.190, 743A.192 and
25 743A.250 and section 2, chapter 25, Oregon Laws 2014, **and section 6 of this**
26 **2015 Act.**

27 (f) The provisions of ORS chapter 744 relating to the regulation of in-
28 surance producers.

29 (g) ORS 746.005 to 746.140, 746.160, 746.220 to 746.370, 746.600, 746.605,
30 746.607, 746.608, 746.610, 746.615, 746.625, 746.635, 746.650, 746.655, 746.660,
31 746.668, 746.670, 746.675, 746.680 and 746.690.

1 (h) ORS 743A.024, except in the case of group practice health maintenance
2 organizations that are federally qualified pursuant to Title XIII of the Public
3 Health Service Act unless the patient is referred by a physician, physician
4 assistant or nurse practitioner associated with a group practice health
5 maintenance organization.

6 (i) ORS 743.680 to 743.689.

7 (j) ORS 744.700 to 744.740.

8 (k) ORS 743.730 to 743.773.

9 (L) ORS 731.485, except in the case of a group practice health mainte-
10 nance organization that is federally qualified pursuant to Title XIII of the
11 Public Health Service Act and that wholly owns and operates an in-house
12 drug outlet.

13 (2) For the purposes of this section, health care service contractors shall
14 be deemed insurers.

15 (3) Any for-profit health care service contractor organized under the laws
16 of any other state that is not governed by the insurance laws of the other
17 state is subject to all requirements of ORS chapter 732.

18 (4) The Director of the Department of Consumer and Business Services
19 may, after notice and hearing, adopt reasonable rules not inconsistent with
20 this section and ORS 750.003, 750.005, 750.025 and 750.045 that are deemed
21 necessary for the proper administration of these provisions.

22 **SECTION 10.** ORS 750.333, as amended by section 8, chapter 25, Oregon
23 Laws 2014, is amended to read:

24 750.333. (1) The following provisions of the Insurance Code apply to trusts
25 carrying out a multiple employer welfare arrangement:

26 (a) ORS 731.004 to 731.150, 731.162, 731.216 to 731.268, 731.296 to 731.316,
27 731.324, 731.328, 731.378, 731.386, 731.390, 731.398, 731.406, 731.410, 731.414,
28 731.418 to 731.434, 731.454, 731.484, 731.486, 731.488, 731.512, 731.574 to 731.620,
29 731.640 to 731.652, 731.804 to 731.992 and 743.061.

30 (b) ORS 733.010 to 733.050, 733.140 to 733.170, 733.210, 733.510 to 733.680
31 and 733.695 to 733.780.

1 (c) ORS chapter 734.

2 (d) ORS 742.001 to 742.009, 742.013, 742.061 and 742.400.

3 (e) ORS 743.028, 743.053, 743.499, 743.524, 743.526, 743.527, 743.528, 743.529,
4 743.530, 743.560, 743.562, 743.600, 743.601, 743.602, 743.610, 743.730 to 743.773
5 (except 743.766 to 743.773), 743.801, 743.804, 743.807, 743.808, 743.814 to 743.839,
6 743.845, 743.847, 743.854, 743.856, 743.857, 743.858, 743.859, 743.861, 743.862,
7 743.863, 743.864, 743.894, 743.912, 743.917, 743A.012, 743A.020, 743A.034,
8 743A.052, 743A.064, 743A.065, 743A.080, 743A.082, 743A.100, 743A.104,
9 743A.110, 743A.144, 743A.150, 743A.170, 743A.175, 743A.184, 743A.192 and
10 743A.250 and section 2, chapter 25, Oregon Laws 2014, **and section 6 of this**
11 **2015 Act.**

12 (f) ORS 743A.010, 743A.014, 743A.024, 743A.028, 743A.032, 743A.036,
13 743A.040, 743A.048, 743A.058, 743A.066, 743A.068, 743A.070, 743A.084,
14 743A.088, 743A.090, 743A.105, 743A.140, 743A.141, 743A.148, 743A.168,
15 743A.180, 743A.185, 743A.188 and 743A.190. Multiple employer welfare ar-
16 rangements to which ORS 743.730 to 743.773 apply are subject to the sections
17 referred to in this paragraph only as provided in ORS 743.730 to 743.773.

18 (g) Provisions of ORS chapter 744 relating to the regulation of insurance
19 producers and insurance consultants, and ORS 744.700 to 744.740.

20 (h) ORS 746.005 to 746.140, 746.160 and 746.220 to 746.370.

21 (i) ORS 731.592 and 731.594.

22 (j) ORS 731.870.

23 (2) For the purposes of this section:

24 (a) A trust carrying out a multiple employer welfare arrangement shall
25 be considered an insurer.

26 (b) References to certificates of authority shall be considered references
27 to certificates of multiple employer welfare arrangement.

28 (c) Contributions shall be considered premiums.

29 (3) The provision of health benefits under ORS 750.301 to 750.341 shall be
30 considered to be the transaction of health insurance.

31 **SECTION 11. Section 6 of this 2015 Act applies to health benefit**

1 **plans entered into or renewed on or after the effective date of this 2015**
2 **Act.**

3 **SECTION 12. (1) Sections 2 and 6 of this 2015 Act and the amend-**
4 **ments to ORS 689.005, 689.645, 750.055 and 750.333 by sections 3, 4 and**
5 **7 to 10 of this 2015 Act become operative on January 1, 2016.**

6 **(2) The Oregon Health Authority and the State Board of Pharmacy**
7 **may take any action before the operative date specified in subsection**
8 **(1) of this section that is necessary to enable the authority and the**
9 **board to exercise, on and after the operative date specified in sub-**
10 **section (1) of this section, all of the duties, functions and powers**
11 **conferred on the authority and the board by sections 2 and 6 of this**
12 **2015 Act and the amendments to ORS 689.005, 689.645, 750.055 and**
13 **750.333 by sections 3, 4 and 7 to 10 of this 2015 Act.**

14 **SECTION 13. The name of the Immunization and Vaccination Ad-**
15 **visory Committee is changed to the Public Health Advisory Commit-**
16 **tee. The Public Health Advisory Committee is a continuation of the**
17 **Immunization and Vaccination Advisory Committee.**

18 **SECTION 14. This 2015 Act being necessary for the immediate**
19 **preservation of the public peace, health and safety, an emergency is**
20 **declared to exist, and this 2015 Act takes effect on its passage.**

21
