



April 6, 2015

TO: MEMBERS OF THE HOUSE HEALTH CARE COMMITTEE

FROM: OSPA/OSHP

RE: HB 3174

The Oregon State Pharmacy Association (OSPA) and Oregon Society of Health-Systems Pharmacists (OSHP) have reviewed HB 3174 and believe it goes too far in regulating the Board of Pharmacy.

We recognize that the primary role of the Board of Pharmacy, or any regulatory agency, is to first assure patient safety. Patient safety is assured through Board membership that fully comprehends the capacity of the profession to contribute to patient welfare, while at the same time assuring that pharmacists, technicians and pharmacies always do their best to act in the interest of the patient. We are aware that the balance between appropriate regulatory oversight of a profession and protection of individuals that participate in that profession can be difficult.

To date, it is our judgement that the Board of Pharmacy has worked effectively to strike an appropriate balance. There have been occasional anecdotal reports of staff members being overly aggressive in investigating a case and we encourage continual improvement processes to minimize these occurrences. Disciplinary decisions, however, are made by the members of the Board of Pharmacy, not staff. We are encouraged and proud of the reputation of colleagues serving on the Board of Pharmacy and, generally, find their decision making process to be balanced. The current administrative rules provide for due notice, confidential board hearings, and consent orders. Our professional organizations are not aware of any perception that the Board is overreaching or punitive in its investigations or disciplinary actions. The Board posts the disciplinary actions only when substantiated in accordance with the administrative statutes and rules. The retention of legal counsel is an individual decision for everyone, not a responsibility of the Board.

HB 3174, while well intentioned, would significantly disrupt Board of Pharmacy operations at a time when there is not significant concern regarding their investigative procedures or decisions. We ask that you not move forward on HB 3174 as safeguards related to Board of Pharmacy actions are unneeded at this time.