

A-Engrossed
House Bill 2879

Ordered by the House May 29
Including House Amendments dated May 29

Sponsored by COMMITTEE ON HEALTH CARE

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.

[Establishes task force to study financing and delivery of health care in this state and make recommendations regarding legislative changes to ensure that residents of this state have access to high-quality health care.]

[Sunsets task force on December 31, 2016.]

Permits pharmacists to prescribe hormonal contraceptive patches and self-administered oral hormonal contraceptives. Directs State Board of Pharmacy to adopt rules regarding prescription and dispensation of contraceptives by pharmacists. Defines "hormonal contraceptive patch" and "self-administered oral hormonal contraceptive."

Declares emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to health care; creating new provisions; amending ORS 689.005; and declaring an emer-
3 gency.

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

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

6 **SECTION 2. (1) In accordance with rules adopted by the State Board of Pharmacy under**
7 **ORS 689.205, a pharmacist may prescribe and dispense hormonal contraceptive patches and**
8 **self-administered oral hormonal contraceptives to a person who is:**

9 (a) **At least 18 years of age, regardless of whether the person has evidence of a previous**
10 **prescription from a primary care practitioner or women's health care practitioner for a**
11 **hormonal contraceptive patch or self-administered oral hormonal contraceptive; or**

12 (b) **Under 18 years of age, only if the person has evidence of a previous prescription from**
13 **a primary care practitioner or women's health care practitioner for a hormonal**
14 **contraceptive patch or self-administered oral hormonal contraceptive.**

15 (2)(a) **The board shall adopt rules to establish, in consultation with the Oregon Medical**
16 **Board, the Oregon State Board of Nursing and the Oregon Health Authority, and in consid-**
17 **eration of guidelines established by the American Congress of Obstetricians and**
18 **Gynecologists, standard procedures for the prescribing of hormonal contraceptive patches**
19 **and self-administered oral hormonal contraceptives by pharmacists.**

20 (b) **The rules adopted under this subsection must require a pharmacist to:**

21 (A) **Complete a training program approved by the State Board of Pharmacy that is re-**
22 **lated to prescribing hormonal contraceptive patches and self-administered oral hormonal**
23 **contraceptives;**

24 (B) **Provide a self-screening risk assessment tool that the patient must use prior to the**

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 **pharmacist's prescribing the hormonal contraceptive patch or self-administered oral**
2 **hormonal contraceptive;**

3 **(C) Refer the patient to the patient's primary care practitioner upon prescribing and**
4 **dispensing the hormonal contraceptive patch or self-administered oral hormonal**
5 **contraceptive;**

6 **(D) Provide the patient with a written record of the hormonal contraceptive patch or**
7 **self-administered oral hormonal contraceptive prescribed and dispensed and advise the pa-**
8 **tient to consult with a primary care practitioner; and**

9 **(E) Dispense the hormonal contraceptive patch or self-administered oral hormonal**
10 **contraceptive to the patient as soon as practicable after the pharmacist issues the pre-**
11 **scription.**

12 **(c) The rules adopted under this subsection must prohibit a pharmacist from:**

13 **(A) Requiring a patient to schedule an appointment with the pharmacist for the pre-**
14 **scribing or dispensing of a hormonal contraceptive patch or self-administered oral hormonal**
15 **contraceptive; and**

16 **(B) Prescribing and dispensing a hormonal contraceptive patch or self-administered oral**
17 **hormonal contraceptive to a patient who does not have evidence of a clinical visit for**
18 **women's health within the three years immediately following the initial prescription and**
19 **dispensation of a hormonal contraceptive patch or self-administered oral hormonal**
20 **contraceptive by a pharmacist to the patient.**

21 **(3) All state and federal laws governing insurance coverage of contraceptive drugs, de-**
22 **vices, products and services shall apply to hormonal contraceptive patches and self-**
23 **administered oral hormonal contraceptives prescribed by a pharmacist under this section.**

24 **SECTION 3.** ORS 689.005 is amended to read:

25 689.005. As used in this chapter:

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

- 28 (a) A practitioner or the practitioner's authorized agent; or
29 (b) The patient or research subject at the direction of the practitioner.

30 (2) "Approved continuing pharmacy education program" means those seminars, classes,
31 meetings, workshops and other educational programs on the subject of pharmacy approved by the
32 board.

33 (3) "Board of pharmacy" or "board" means the State Board of Pharmacy.

34 (4) "Continuing pharmacy education" means:

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

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

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

39 (5) "Continuing pharmacy education unit" means the unit of measurement of credits for ap-
40 proved continuing education courses and programs.

41 (6) "Deliver" or "delivery" means the actual, constructive or attempted transfer of a drug or
42 device other than by administration from one person to another, whether or not for a consideration.

43 (7) "Device" means an instrument, apparatus, implement, machine, contrivance, implant, in vitro
44 reagent or other similar or related article, including any component part or accessory, which is re-
45 quired under federal or state law to be prescribed by a practitioner and dispensed by a pharmacist.

1 (8) "Dispense" or "dispensing" means the preparation and delivery of a prescription drug pur-
2 suant to a lawful order of a practitioner in a suitable container appropriately labeled for subsequent
3 administration to or use by a patient or other individual entitled to receive the prescription drug.

4 (9) "Distribute" means the delivery of a drug other than by administering or dispensing.

5 (10) "Drug" means:

6 (a) Articles recognized as drugs in the official United States Pharmacopoeia, official National
7 Formulary, official Homeopathic Pharmacopoeia, other drug compendium or any supplement to any
8 of them;

9 (b) Articles intended for use in the diagnosis, cure, mitigation, treatment or prevention of dis-
10 ease in a human or other animal;

11 (c) Articles, other than food, intended to affect the structure or any function of the body of hu-
12 mans or other animals; and

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

15 (11) "Drug order" means a written order, in a hospital or other inpatient care facility, for an
16 ultimate user of any drug or device issued and signed by a practitioner, or an order transmitted by
17 other means of communication from a practitioner, that is immediately reduced to writing by a
18 pharmacist, licensed nurse or other practitioner.

19 (12) "Drug outlet" means any pharmacy, nursing home, shelter home, convalescent home, ex-
20 tended care facility, drug abuse treatment center, penal institution, hospital, family planning clinic,
21 student health center, retail store, wholesaler, manufacturer, mail-order vendor or other establish-
22 ment with facilities located within or out of this state that is engaged in dispensing, delivery or
23 distribution of drugs within this state.

24 (13) "Drug room" means a secure and lockable location within an inpatient care facility that
25 does not have a licensed pharmacy.

26 (14) "Electronically transmitted" or "electronic transmission" means a communication sent or
27 received through technological apparatuses, including computer terminals or other equipment or
28 mechanisms linked by telephone or microwave relays, or any similar apparatus having electrical,
29 digital, magnetic, wireless, optical, electromagnetic or similar capabilities.

30 **(15) "Hormonal contraceptive patch" means a transdermal patch applied to the skin of a**
31 **patient, by the patient or by a practitioner, that releases a drug composed of a combination**
32 **of hormones that is approved by the United States Food and Drug Administration to prevent**
33 **pregnancy.**

34 [(15)] (16) "Institutional drug outlet" means hospitals and inpatient care facilities where
35 medications are dispensed to another health care professional for administration to patients served
36 by the hospitals or facilities.

37 [(16)] (17) "Intern" means a person who is enrolled in or has completed a course of study at a
38 school or college of pharmacy approved by the board and who is licensed with the board as an in-
39 tern.

40 [(17)] (18) "Internship" means a professional experiential program approved by the board under
41 the supervision of a licensed pharmacist registered with the board as a preceptor.

42 [(18)] (19) "Itinerant vendor" means a person who sells or distributes nonprescription drugs by
43 passing from house to house, or by haranguing the people on the public streets or in public places,
44 or who uses the customary devices for attracting crowds, recommending their wares and offering
45 them for sale.

1 [(19)] **(20)** “Labeling” means the process of preparing and affixing of a label to any drug con-
2 tainer exclusive, however, of the labeling by a manufacturer, packer or distributor of a
3 nonprescription drug or commercially packaged legend drug or device.

4 [(20)] **(21)** “Manufacture” means the production, preparation, propagation, compounding, con-
5 version or processing of a device or a drug, either directly or indirectly by extraction from sub-
6 stances of natural origin or independently by means of chemical synthesis or by a combination of
7 extraction and chemical synthesis and includes any packaging or repackaging of the substances or
8 labeling or relabeling of its container, except that this term does not include the preparation or
9 compounding of a drug by an individual for their own use or the preparation, compounding, pack-
10 aging or labeling of a drug:

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

13 (b) By a practitioner or by the practitioner’s authorization under supervision of the practitioner
14 for the purpose of or as an incident to research, teaching or chemical analysis and not for sale.

15 [(21)] **(22)** “Manufacturer” means a person engaged in the manufacture of drugs.

16 [(22)] **(23)** “Nonprescription drug outlet” means shopkeepers and itinerant vendors registered
17 under ORS 689.305.

18 [(23)] **(24)** “Nonprescription drugs” means drugs which may be sold without a prescription and
19 which are prepackaged for use by the consumer and labeled in accordance with the requirements
20 of the statutes and regulations of this state and the federal government.

21 [(24)] **(25)** “Person” means an individual, corporation, partnership, association or any other legal
22 entity.

23 [(25)] **(26)** “Pharmacist” means an individual licensed by this state to engage in the practice of
24 pharmacy.

25 [(26)] **(27)** “Pharmacy” means a place that meets the requirements of rules of the board, is li-
26 censed and approved by the board where the practice of pharmacy may lawfully occur and includes
27 apothecaries, drug stores, dispensaries, hospital outpatient pharmacies, pharmacy departments and
28 prescription laboratories but does not include a place used by a manufacturer or wholesaler.

29 [(27)] **(28)** “Pharmacy technician” means a person licensed by the State Board of Pharmacy who
30 assists the pharmacist in the practice of pharmacy pursuant to rules of the board.

31 [(28)] **(29)** “Practice of pharmacy” means:

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

33 (b) The compounding, dispensing and labeling of drugs and devices, except labeling by a man-
34 ufacturer, packer or distributor of nonprescription drugs and commercially packaged legend drugs
35 and devices;

36 (c) The prescribing and administering of vaccines and immunizations pursuant to ORS 689.645;

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

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

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

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

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

44 (i) The offering or performing of those acts, services, operations or transactions necessary in the
45 conduct, operation, management and control of pharmacy; **and**

1 **(j) The prescribing and dispensing of hormonal contraceptive patches and self-**
2 **administered oral hormonal contraceptives pursuant to section 2 of this 2015 Act.**

3 [(29)] **(30)** “Practitioner” means a person licensed and operating within the scope of such license
4 to prescribe, dispense, conduct research with respect to or administer drugs in the course of pro-
5 fessional practice or research:

6 (a) In this state; or

7 (b) In another state or territory of the United States if the person does not reside in Oregon and
8 is registered under the federal Controlled Substances Act.

9 [(30)] **(31)** “Preceptor” means a pharmacist or a person licensed by the board to supervise the
10 internship training of a licensed intern.

11 [(31)] **(32)** “Prescription drug” or “legend drug” means a drug which is:

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

14 (A) “Caution: Federal law prohibits dispensing without prescription”; or

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

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

19 [(32)] **(33)** “Prescription” or “prescription drug order” means a written, oral or electronically
20 transmitted direction, given by a practitioner authorized to prescribe drugs, for the preparation and
21 use of a drug. When the context requires, “prescription” also means the drug prepared under such
22 written, oral or electronically transmitted direction.

23 [(33)] **(34)** “Retail drug outlet” means a place used for the conduct of the retail sale, adminis-
24 tering or dispensing or compounding of drugs or chemicals or for the administering or dispensing
25 of prescriptions and licensed by the board as a place wherein the practice of pharmacy may lawfully
26 occur.

27 **(35) “Self-administered oral hormonal contraceptive” means a drug composed of a com-**
28 **ination of hormones that is approved by the United States Food and Drug Administration**
29 **to prevent pregnancy and that the patient to whom the drug is prescribed may take orally.**

30 [(34)] **(36)** “Shopkeeper” means a business or other establishment, open to the general public, for
31 the sale or nonprofit distribution of drugs.

32 [(35)] **(37)** “Unit dose” means a sealed single-unit container so designed that the contents are
33 administered to the patient as a single dose, direct from the container. Each unit dose container
34 must bear a separate label, be labeled with the name and strength of the medication, the name of
35 the manufacturer or distributor, an identifying lot number and, if applicable, the expiration date of
36 the medication.

37 [(36)] **(38)** “Wholesale drug outlet” means any person who imports, stores, distributes or sells for
38 resale any drugs including legend drugs and nonprescription drugs.

39 **SECTION 4. (1) Section 2 of this 2015 Act and the amendments to ORS 689.005 by section**
40 **3 of this 2015 Act become operative on January 1, 2016.**

41 **(2) The State Board of Pharmacy may take any action before the operative date specified**
42 **in subsection (1) of this section that is necessary for the board to exercise, on and after the**
43 **operative date specified in subsection (1) of this section, all of the duties, function and pow-**
44 **ers conferred on the board by section 2 of this 2015 Act and the amendments to ORS 689.005**
45 **by section 3 of this 2015 Act.**

1 **SECTION 5. This 2015 Act being necessary for the immediate preservation of the public**
2 **peace, health and safety, an emergency is declared to exist, and this 2015 Act takes effect**
3 **on its passage.**

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