

**HOUSE COMMITTEE ON HEALTH CARE
SB 423
TESTIMONY IN FAVOR PRESENTED BY**

**LEONARD BERGSTEIN
ON BEHALF OF ZOOM+CARE**

May 1, 2017

Chair Greenlick and Members of the Health Committee

My name is Len Bergstein and I am here representing ZOOM+Care to speak in support of SB 423, also providing testimony for the record is Larry Cartier who is the current head of our ZOOM+Pharmacy operations. Larry has served with distinction as a long-term Oregon pharmacist and previous Chair of the Oregon Board of Pharmacy.

SB 423 is a modest but meaningful reform of state policy to allow Physician Assistants - under strict supervision – to dispense certain prescription medicines currently identified as Category III and IV controlled substances, regardless of whether they provide care in urban or rural Oregon settings. The objectives are to:

- Clarify certain ambiguities in the statutes [ORS 677.511 (1)(b) and 677.515 (4)];
- Create uniform dispensing practices for all Physician Assistants;
- Provide consumer convenience;
- Improve patient outcomes through complete care;
- Ensure safety in the dispensing, reporting and storage of these medications.

This bill enjoyed broad bipartisan support in the Senate it passed unanimously out of the Senate Health Committee and passed in the Senate by a vote of 26-3, one excused.

We have discussed this issue with the Oregon Medical Board and Board of Pharmacy and they agree that this is an issue which needs to be addressed by statute rather than administrative rule. We have discussed this issue with various stakeholders. Some strongly support this change. We have not received any specific objections – although some interest groups are waiting to hear policy questions that may arise in this forum.

At the Senate Committee hearing, the senators briefly considered the question of reporting of this PA - dispensing. ZOOM+Care committed to voluntarily report. However, Chair Monnes Anderson requested that we provide an amendment that would explicitly require the reporting to the state Prescription Drug Monitoring Program [PDMP] of the PA-dispensed prescription meds covered by SB 423. Here is the language we provided as a proposed amendment [since this reporting would be done electronically, it is not expected that any additional costs or agency time would be incurred, and therefore no fiscal impact created].

Amend SB 423 Section 1 by adding a new [5] and renumbering existing [5] to [6]
The new [5] would read:

All controlled substances in schedule 3 and schedule 4 under the Federal Controlled Substance Act, 21 U.S.C. 811 and 812, as modified under ORS. 475.035 that are dispensed by the physician assistant must be reported by the supervising physician or supervising physician organization to the Oregon Prescription Drug Monitoring Program in a manner consistent with the provisions of ORS. 431.960-431.992.

New [6] would remain as follows:

Drugs dispensed by a physician assistant with dispensing authority under this section must be personally dispensed by the physician assistant.

Upon reflection, the Senate Health Committee members felt this amendment was not required and moved the bill to the floor without amendment, where it was based with broad bi-partisan support.

Larry Cartier is available to discuss this bill and to answer your questions.

For your reference, here is the language of the conflicting statutes:

677.511 Physician assistant dispensing authority; requirements; training program; rules. (1)(a) *A supervising physician or supervising physician organization may apply to the Oregon Medical Board for authority for a physician assistant to dispense drugs specified by the supervising physician or supervising physician organization.*

(b) Notwithstanding paragraph (a) of this subsection, and except as permitted under ORS 677.515 (4), a physician assistant may not dispense controlled substances classified in schedules I through IV under the federal Controlled Substances Act, 21 U.S.C. 811 and 812, as modified under ORS 475.035.

677.515 Medical services rendered by physician assistant. (1) *A physician assistant licensed under ORS 677.512 may provide any medical service, including prescribing and administering controlled substances in schedules II through V under the federal Controlled Substances Act:*

(a) That is delegated by the physician assistant's supervising physician or supervising physician organization;

(b) That is within the scope of practice of the physician assistant;

(c) That is within the scope of practice of the supervising physician or supervising physician organization;

(d) That is provided under the supervision of the supervising physician or supervising physician organization;

(e) That is generally described in and in compliance with the practice agreement; and

(f) For which the physician assistant has obtained informed consent as provided in ORS 677.097, if informed consent is required.

(4) A supervising physician, upon the approval of the board and in accordance with the rules established by the board, may delegate to the physician assistant the authority to administer and prescribe medications pursuant to this section and ORS 677.535 to 677.545. The board and the Physician Assistant Committee may not limit the privilege of administering, dispensing and prescribing to population groups federally designated as underserved, or to geographic areas of the state that are federally designated health professional shortage areas, federally designated medically underserved areas or areas designated as medically disadvantaged and in need of primary health care providers by the Director of the Oregon Health Authority or the Office of Rural Health. All prescriptions written pursuant to this subsection must bear the name, office address and telephone number of the supervising physician.