

# Enrolled House Bill 2397

Introduced and printed pursuant to House Rule 12.00. Pre-session filed (at the request of House Interim Committee on Health Care for Oregon State Pharmacy Association and Oregon Society of Health-System Pharmacists)

CHAPTER .....

AN ACT

Relating to pharmacists; creating new provisions; amending ORS 689.645; and declaring an emergency.

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

**SECTION 1.** ORS 689.645 is amended to read:

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

(a) Administer vaccines:

(A) To persons who are seven years of age or older; or

(B) If authorized by the Governor under ORS 433.441 or the Public Health Director under ORS 433.443 or 433.444, to a person three years of age or older.

(b) Pursuant to a statewide drug therapy management protocol developed by the [*Oregon Health Authority*] **Public Health and Pharmacy Formulary Advisory Committee convened under section 2 of this 2017 Act** and adopted by rule of the board, provide approved patient care services including smoking cessation therapy and travel health services.

**(c) Using a form prescribed by the board, submit a concept for the development of a protocol, other than the protocols pharmacists may establish under subsection (5) of this section, to the committee for consideration by the committee and recommendation to the board for adoption by rule of the board.**

**(d) Prescribe and dispense a drug or device included on the formulary established under subsection (6) of this section if the prescription and dispensation is pursuant to a diagnosis by a health care practitioner who has prescriptive authority and is qualified to make the diagnosis.**

(2) The board may adopt rules allowing a pharmacist to prescribe vaccines, [*and*] provide patient care services **and submit protocol concepts** under subsection (1) of this section. The rules related to the prescription of vaccines may be only as broad as necessary to enable pharmacists to enroll and participate in the Vaccines for Children Program administered by the Centers for Disease Control and Prevention.

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

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

(5) The board shall adopt rules requiring pharmacists to establish protocols for the prescription and administration of vaccines and the provision of patient care services under subsection (1) of this section.

*[(6) The board shall convene a volunteer Public Health Advisory Committee consisting of no more than nine members for the purpose of advising the board in promulgating rules under this section. The committee shall consist of one representative from the Oregon Health Authority, two representatives from the Oregon Medical Board, two representatives from the Oregon State Board of Nursing and two representatives from the State Board of Pharmacy. The committee may not include more than two pharmacists other than the representatives from the State Board of Pharmacy.]*

**(6)(a) The board shall establish by rule a formulary of drugs and devices, as recommended by the committee, that a pharmacist may prescribe and dispense to a patient pursuant to a diagnosis by a health care practitioner who has prescriptive authority and who is qualified to make the diagnosis.**

**(b) The formulary may include post-diagnostic drugs and devices such as diabetic testing supplies, emergency refills of insulin, albuterol inhalers, epinephrine autoinjectors, smoking cessation aids, discharge medications for transitions of care, rapid strep tests and spacers.**

**SECTION 2. (1) The State Board of Pharmacy shall convene a Public Health and Pharmacy Formulary Advisory Committee consisting of seven members, appointed by the Governor, for the purpose of advising the board in promulgating rules under ORS 689.645. The committee shall consist of:**

**(a) Two physicians licensed to practice medicine under ORS 677.100 to 677.228;**

**(b) Two advanced practice registered nurses who have prescriptive authority and who are licensed by the Oregon State Board of Nursing; and**

**(c) Three pharmacists licensed by the State Board of Pharmacy, at least one of whom is employed as a community pharmacist and one of whom is employed as a health system pharmacist.**

**(2) The Oregon Medical Board, the Oregon State Board of Nursing and the State Board of Pharmacy may each submit to the Governor a list of up to three names of individuals to be considered for membership for each of the vacancies required to be filled by licensees of each board.**

**(3) The term of each member of the committee is two years. A member whose term has expired shall continue to serve until a successor is appointed. If a vacancy occurs, a person who is a representative of the same state agency as the departing member shall serve for the remainder of the term.**

**(4) The committee shall elect one of its members to serve as chairperson.**

**(5) Members of the committee are entitled to compensation and expenses as provided in ORS 292.495, to be paid by the State Board of Pharmacy.**

**(6) A member of the committee who fails to attend two consecutive meetings of the committee shall be removed from the committee unless the failure to attend was because of a serious health condition of the member or a family member of the member.**

**(7) The committee shall recommend to the State Board of Pharmacy for adoption by rule of the board a formulary of drugs and devices that a pharmacist may prescribe and dispense to a patient pursuant to a diagnosis by a health care practitioner qualified to make the diagnosis. The committee shall periodically review the formulary and recommend the revisions to the board for adoption by rule.**

**(8) A pharmacist may request that the committee add a drug or device to the formulary by submitting to the committee a request form prescribed by the State Board of Pharmacy. The addition to the formulary of a drug or device under this subsection shall be considered a revision to the formulary that the committee may recommend to the board for adoption by rule.**

**SECTION 3.** The name of the Public Health Advisory Committee is changed to the Public Health and Pharmacy Formulary Advisory Committee. The Public Health and Pharmacy Formulary Advisory Committee is a continuation of the Public Health Advisory Committee.

**SECTION 4.** (1) Sections 2 and 3 of this 2017 Act and the amendments to ORS 689.645 by section 1 of this 2017 Act become operative on January 1, 2018.

(2) The State Board of Pharmacy and the Public Health and Pharmacy Formulary Advisory Committee may take any action before the operative date specified in subsection (1) of this section that is necessary to enable the board and the committee to exercise, on or after the operative date specified in subsection (1) of this section, all of the duties, functions and powers conferred on the board and the committee by sections 2 and 3 of this 2017 Act and the amendments to ORS 689.645 by section 1 of this 2017 Act.

**SECTION 5.** This 2017 Act being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this 2017 Act takes effect on its passage.

Passed by House March 20, 2017

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Timothy G. Sekerak, Chief Clerk of House

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Tina Kotek, Speaker of House

Passed by Senate May 10, 2017

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Peter Courtney, President of Senate

Received by Governor:

.....M.,....., 2017

Approved:

.....M.,....., 2017

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Kate Brown, Governor

Filed in Office of Secretary of State:

.....M.,....., 2017

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Dennis Richardson, Secretary of State