

A-Engrossed
House Bill 2397

Ordered by the House March 15
Including House Amendments dated March 15

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)

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.

Changes name of Public Health Advisory Committee to Public Health and Pharmacy Formulary Advisory Committee. Limits term of committee members to two years. Directs State Board of Pharmacy to establish by rule formulary of drugs and devices that pharmacists may prescribe and dispense to patients under specified conditions. Directs committee to recommend drugs and devices for inclusion on formulary.

Declares emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to pharmacists; creating new provisions; amending ORS 689.645; and declaring an emer-
3 gency.

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

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

6 689.645. (1) In accordance with rules adopted by the State Board of Pharmacy under ORS
7 689.205, a pharmacist may:

8 (a) Administer vaccines:

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

10 (B) If authorized by the Governor under ORS 433.441 or the Public Health Director under ORS
11 433.443 or 433.444, to a person three years of age or older.

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

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

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

24 (2) The board may adopt rules allowing a pharmacist to prescribe vaccines, [*and*] provide patient
25 care services **and submit protocol concepts** under subsection (1) of this section. The rules related

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 to the prescription of vaccines may be only as broad as necessary to enable pharmacists to enroll
2 and participate in the Vaccines for Children Program administered by the Centers for Disease
3 Control and Prevention.

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

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

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

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

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

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

26 **SECTION 2. (1) The State Board of Pharmacy shall convene a Public Health and Phar-**
27 **macry Formulary Advisory Committee consisting of seven members, appointed by the Gover-**
28 **nor, for the purpose of advising the board in promulgating rules under ORS 689.645. The**
29 **committee shall consist of:**

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

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

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

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

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

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

45 **(5) Members of the committee are entitled to compensation and expenses as provided in**

1 **ORS 292.495, to be paid by the State Board of Pharmacy.**

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

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

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

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

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

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

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