

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)

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 **as introduced**.

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 qualified to make the diagnosis.**

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

28 (3) The board is authorized to issue, to licensed pharmacists who have completed training ac-

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 credited by the Centers for Disease Control and Prevention, the American Council on Pharmaceu-
 2 tical Education or a similar health authority or professional body, certificates of special competency
 3 in the prescription and administration of vaccines.

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

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

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

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

18 **SECTION 2. (1) The State Board of Pharmacy shall convene a Public Health and Phar-
 19 macy Formulary Advisory Committee consisting of nine members, appointed by the Gover-
 20 nor, for the purpose of advising the board in promulgating rules under ORS 689.645. The
 21 committee shall consist of:**

- 22 **(a) One representative from the Oregon Health Authority;**
- 23 **(b) Two representatives from the Oregon Medical Board;**
- 24 **(c) Two representatives from the Oregon State Board of Nursing;**
- 25 **(d) Two representatives from the State Board of Pharmacy; and**
- 26 **(e) Two pharmacists who are members of the public.**

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

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

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

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

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

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

1 by rule.

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

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

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

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

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