



NATIONAL ASSOCIATION OF  
CHAIN DRUG STORES

April 3, 2019

The Honorable Senator Monnes-Anderson  
Chair, Senate Committee on Health Care  
Honorable Members of the Senate Committee on Health Care  
Oregon State Capitol  
Salem, OR

RE: Senate Bill 698 – Mandatory interpretive prescription labels

Senator Monnes-Anderson and Members of the Senate Committee on Health Care:

On behalf of the members of the National Association of Chain Drug Stores (NACDS) operating pharmacies in the State of Oregon, I appreciate the opportunity to communicate chain pharmacy's perspectives and ongoing concerns with SB 698, legislation requiring pharmacists to provide language translation for the information on prescription labels. The members of NACDS operate 491 store fronts, employ over 51,000 full and part-time employees, and pay over \$39.6 million in state taxes.

As the most accessible healthcare providers, Americans have relied on community pharmacists and pharmacies for generations to meet their healthcare needs. Pharmacists are trusted, highly accessible healthcare providers who are deeply committed to providing accurate prescriptions and helping patients take medications as prescribed. This includes ensuring that individuals with Limited English Proficiency (LEP) are provided with the information needed to take their medications safely and as directed, consistent with the federal requirements applicable to healthcare organizations under 45 CFR 92.201 which direct healthcare providers to provide meaningful access to health care programs and activities for individuals with LEP.

As we communicated to lawmakers in a previous letter, chain pharmacy has ongoing concerns that although well-intentioned, SB 698 would impose new requirements for labeling prescriptions in multiple languages for patients with LEP that would be redundant to the ways that pharmacies ensure meaningful access to care for these individuals under 45 CFR 92.201. Moreover, NACDS members are concerned that the requirements of SB 698 go beyond what is practical and could potentially undermine the various ways that pharmacies already provide translation services to LEP patients.

With respect to the proposed amendment to SB 698 that the Senate Committee on Health is considering, in addition to concerns that it maintains the problematic multi-language prescription labeling requirement, we have the following concerns:

- If Oregon were to enact a requirement for a prescription to be labeled and/or be provided with an informational insert in two languages, this would make Oregon an outlier. No other state has this type of requirement in place.
- The amendment would require that labels and informational inserts be available in various languages specified in the bill, and potentially more as determined by the

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- Board based on different community demographics across the state. In contrast, federal requirements under 45 CFR 92.8 addressing notification to individuals with LEP of the availability of language assistance services requires that the notice be provided in “the top 15 languages spoken by individuals with [LEP]...”
- Providing the written drug information inserts in some of these languages—specifically Khmer, Persian, Nepali, Somali, Karen, and Swahili – would be challenging. In contrast, the federal language translation services requirements allow for pharmacies to coordinate translation for those types of cases. Moreover, the top 15 languages change periodically, so it does not make sense for the state to legislate a specific list of languages for which translation services must be provided.
  - The proposed posted signage requirements for notifying patients with LEP of the availability of interpretation and translation services is duplicative of the the federal requirement. If not properly implemented, this may create conflicts with the federal notice requirements.
  - The amendment maintains an aggressive implementation timeline, requiring compliance by January 1, 2020. Considering that most pharmacy systems do not have the capacity to translate into many of the languages specified in the bill, this timeline is unworkable.

Given the duplicative nature of SB 698 compared to the translation services that pharmacies already provide and the numerous concerns that chain pharmacy has with this legislation, we urge Oregon lawmakers to refrain from adopting the additional, unnecessary requirements set out under SB 698 and to instead allow pharmacies to continue to assess the needs of their patients and provide the services appropriate for their patients. Please oppose Senate Bill 698.

Sincerely,

A handwritten signature in black ink that reads "Lis Houchen". The signature is written in a cursive, flowing style.

Lis Houchen  
lhouchen@nacds.org