

SB 698 B STAFF MEASURE SUMMARY

Carrier: Rep. Alonso Leon

House Committee On Health Care**Action Date:** 05/16/19**Action:** Do pass with amendments to the A-Eng bill. (Printed B-Eng.)**Vote:** 11-0-0-0**Yeas:** 11 - Alonso Leon, Boles, Drazan, Greenlick, Hayden, Keny-Guyer, Mitchell, Noble, Nosse, Prusak, Salinas**Fiscal:** Has minimal fiscal impact**Revenue:** No revenue impact**Prepared By:** Oliver Droppers, LPRO Analyst**Meeting Dates:** 5/9, 5/16**WHAT THE MEASURE DOES:**

Requires State Board of Pharmacy (Board) to adopt rules regarding provision of prescription drug labels in both English and a language the patient can understand, and if appropriate, to include an informational insert. Specifies that rules must determine which pharmacies the requirements apply to. Requires Board to establish a list of statements for prescription drug labels that must be available in languages other than English in rule. Limits liability for actions of third parties. Requires the Board to consult with the Oregon Health Authority on rules regarding availability of translation services. Directs the Board to reassess and update available languages at least once every 10 years. Exempts institutional drug outlets from label and insert requirements. Makes labeling requirements effective on January 1, 2021. Takes effect 91st day following adjournment *sine die*.

ISSUES DISCUSSED:

- Individuals' abilities to comprehend prescription medication, dosage, and pharmacist's instructions
- Technology and software to translate prescription labels
- Prescription labels in dual languages, English and requested language
- Costs to pharmacies to comply with provisions in the bill; particularly for independent pharmacies
- Adverse health outcomes attributed to incorrect usage of prescription medications due to language barriers
- Clarification that Board will determine which pharmacies are to comply, including pharmacy size

EFFECT OF AMENDMENT:

Requires a pharmacy to dispense a prescription with a label in English and other language as requested, and an informational insert, if authorized by the Board. Removes listing of languages. Directs the Board to determine which pharmacies are subject to label or insert requirements; which prescription drugs should have an informational insert; informational insert in at least 14 languages other than English based on specified data sources; and to reassess and update languages at least once every 10 years. Exempts institutional drug outlets from label and insert requirements.

BACKGROUND:

Under Title VI of the Civil Rights Act of 1964, all health care providers and recipients of federal financial assistance, including Medicare and Medicaid, are required to take reasonable steps to ensure meaningful access to their programs by individuals with limited English proficiency (LEP). According to the United States Census Bureau's American Community Survey (ACS) 2009-2013, 6.21 percent of Oregonians over five years of age are LEP. LEP individuals are more likely than fluent English speakers to experience medication errors due to an inability to read or understand labels that provide instruction on how and when to take prescription medications. Currently, four states have specific laws that require pharmacies to provide services in languages other than English: California, New York, North Carolina, and Texas.

SB 698 B STAFF MEASURE SUMMARY

Senate Bill 698-B requires the State Board of Pharmacy to adopt rules regarding the provision of prescription drug labels and inserts in both English and a language the patient can understand.