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# OREGON STATE BOARD OF PHARMACY

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*newsletter to promote pharmacy and drug law compliance*

## **No. 664 Over-the-Counter Sale of Pseudoephedrine and Ephedrine**

Pursuant to [2021 House Bill \(HB\) 2648](#), effective January 1, 2022, pharmacists, certified Oregon pharmacy technicians, and pharmacy technicians may sell drugs containing pseudoephedrine and ephedrine without a prescription to a person who is at least 18 years of age, presents a valid government-issued photo identification, and, prior to purchase, submits specified information into an electronic system designed to prevent illegal transfer of drugs. At the time of this *Newsletter* publication, [rules](#) to further clarify the directives set forth in 2021 HB 2648 are in rulemaking. Please check the Oregon State Board of Pharmacy's rulemaking [page](#) for the most up-to-date information concerning the proposed rules.

The electronic system that will be used is the National Precursor Log Exchange (NPLEx) system, which provides real-time electronic tracking in accordance with 2021 HB 2648 and the Combat Methamphetamine Epidemic Act. This system is used in a majority of states across the country and is provided **free** of charge. Pharmacies must register for an NPLEx account. Chain pharmacies are advised to contact corporate for additional guidance prior to registration. The information below is provided by Apriss Health, which is the company that operates the NPLEx system.

- To register for the web-based **Retail Portal**, visit NPLEx's pharmacy registration page located at [nplex.apriss.com/retail/pharmacy/loginRegister.do](https://nplex.apriss.com/retail/pharmacy/loginRegister.do). If your pharmacy is not found, you can manually register. You will receive a confirmation email with instructions to set up an account. Pharmacies interested in further enhancing their workflow have the option of purchasing scanners that will scan 2D driver's licenses, product UPCs, and capture signatures. The state of Oregon does **not** require scanners. Visit [nplex.pacsuppliesusa.com](https://nplex.pacsuppliesusa.com) to purchase a compatible scanner.
- To utilize the **POS Integration** service, please contact your point-of-sale (POS) vendor to be configured for NPLEx. The vendor will then work with Apriss to ensure proper configuration. Over 25 POS vendors have completed an interface with NPLEx. By

integrating with the POS software, transactions can be submitted directly to NPLEEx from the existing POS system instead of using the web-based NPLEEx Retail Portal. POS vendors with NPLEEx integration include Activant/Epicor, AutoStar/RMS, Best Computer System, CAM, Cashier Live, Cerner Etreby, Computer-Rx, Datascan, ECRS, Emporos Systems, Foundation Systems, Freedom Data, HCC/LPS, Healthlink Solutions, Keystone Management Systems, Liberty, Magstar Inc, Maxor, McKesson, Micro merchants, New Tech/Pioneer, Paladin Data Corporation, Patient Engagement Advisors, QS1, Quick Rx, Rx City, Rx30, ScriptPro, and Speedscript. If your pharmacy utilizes a POS vendor that is not listed above but is interested in integrating, please have the vendor reach out to NPLEExSupport@appriss.com.

### **No. 665 HB 3036: Physician Assistant Modernization Bill**

2021 HB 3036 modernizes physician assistant (PA) practice in Oregon and impacts pharmacy. The changes to PA practice provided in 2021 HB 3036 are operational in phases on January 15, 2022, and July 15, 2022. The summary below does not include every provision of 2021 HB 3036 but highlights areas that impact pharmacy licensees and registrants that are operational on January 15, 2022. Section numbers are provided for reference to 2021 HB 3036. Please review 2021 HB 3036 for detailed information.

#### **Section 1:**

- Updates PA requirements to dispense prescription drugs

#### **Section 2:**

- Removes requirement that PAs include supervising physician information on each prescription
- Removes requirement that PAs practice within the scope of practice of a supervising physician
- Updates the degree of autonomous judgment that a PA may exercise, which can be determined at the PA's primary location of practice by the community standards of care and the PA's education, training, and experience

#### **Sections 3-6:**

- Adds PA telemedicine license and allows Oregon-licensed PAs to practice via telemedicine on Oregon patients from outside of Oregon

### **No. 666 Rulemaking**

The Board adopted the following temporary Oregon Administrative Rules (OARs) between August 2021 and October 2021. These rules will be considered for permanent adoption at the December 2021 Board meeting.

- [OAR 855-010-0016](#) was amended and modifies the amount of compensation paid to members of state boards pursuant to 2021 HB 2992.
- [OAR 855-020-0300\(2\)\(C\)\(c\)](#) was amended and adds coronavirus disease (COVID-19) monoclonal antibodies to the protocol compendia.
- [OAR 855-007-0088](#) was added and requires compliance with Oregon Health Authority rules to control the communicable disease COVID-19.

The Board is proposing to permanently adopt the following rules. Please check the Board's rulemaking [page](#) for the most up-to-date information concerning the proposed rules, information on how to provide comments on the proposed rules, and how to [sign up](#) for rulemaking notices.

- [Division 007](#) – related to compliance with Oregon Health Authority COVID-19 rules
- [Division 007/041/045/065](#) – related to United States Pharmacopeia, storage, labeling, and repackaging
- [Division 010](#) – related to Board administration and policies
- [Division 019/139](#) – related to remote dispensing site pharmacy
- [Division 041/080](#) – related to pseudoephedrine/ephedrine
- [Division 019/021](#) – related to pain management continuing education
- [Division 020](#) – related to pharmacist prescriptive authority: COVID-19 monoclonal antibody therapy, HIV post-exposure prophylaxis, and HIV pre-exposure prophylaxis
- [Division 043](#) – related to supervising physician dispensing outlet/dispensing practitioner drug outlet/community health clinic
- [Division 060/110](#) – related to prescription drug monitoring program fee increase
- [Division 006/041](#) – related to telework, remote processing, and technician checking validation program

### ***No. 667 Duty to Report***

Board staff would like to remind licensees of their duty to report to the Board any suspected violation of Board laws and rules. Per Oregon Revised Statute ([ORS](#)) [689.455](#), any pharmacist or pharmacy technician who reports to the Board as required and in good faith is immune from civil liability for making the report. Licensees are required to report potential violations of Board rules within specific time frames after becoming aware of the violation. These time frames are outlined below.

## Pharmacists

Per [OAR 855-019-0205](#):

(4) A pharmacist who has reasonable cause to believe that another licensee (of the board or any other Health Professional Regulatory Board) has engaged in prohibited or unprofessional conduct as these terms are defined in [OAR 855-006-0005](#), must report that conduct to the board responsible for the licensee who is believed to have engaged in the conduct. The reporting pharmacist [shall] report the conduct without undue delay, but in no event later than 10 working days after the pharmacist learns of the conduct unless federal laws relating to confidentiality or the protection of health information prohibit disclosure.

(6) A pharmacist who has reasonable grounds to believe that any violation of these rules has occurred, must notify the board within 10 days. However, in the event of a significant drug loss or violation related to drug theft, the pharmacist [shall] notify the board within one (1) business day.

## Interns

Per [OAR 855-031-0020](#):

(12) An intern who has reasonable cause to believe that another licensee (of the board or any other Health Professional Regulatory Board) has engaged in prohibited or unprofessional conduct as these terms are defined in [OAR 855-006-0005](#), must report that conduct to the board responsible for the licensee who is believed to have engaged in the conduct. The intern must report the conduct without undue delay, but in no event later than 10 working days after the intern learns of the conduct unless federal laws relating to confidentiality or the protection of health information prohibit disclosure.

## Pharmacy Technicians and Certified Oregon Pharmacy Technicians

Per [OAR 855-025-0020](#):

(4) A Pharmacy Technician or Certified Oregon Pharmacy Technician who has reasonable cause to believe that another licensee (of the board or any other Health Professional Regulatory Board) has engaged in prohibited or unprofessional conduct as these terms are defined in [OAR 855-006-0005](#), must report that conduct to the board responsible for the licensee who is believed to have engaged in the conduct. The reporting Pharmacy Technician or Certified Oregon Pharmacy Technician [shall] report the conduct without undue delay, but in no event later than 10 working days after the reporting Pharmacy Technician or Certified Oregon Pharmacy Technician learns of the conduct unless federal laws relating to confidentiality or the protection of health information prohibit disclosure.

(6) A Pharmacy Technician or Certified Oregon Pharmacy Technician who has reasonable grounds to believe that prescription drugs or records have been lost or stolen, or any violation of these rules has occurred, must notify the board within one day.

Additionally, a pharmacy must report the termination (or resignation in lieu of termination) of employment of a Board licensee within 10 working days, per [OAR 855-041-1010](#).

Licensees may register a complaint with the Board using the Oregon State Board of Pharmacy Online Complaint Form. Additionally, per [OAR 855-041-1030](#), [OAR 855-019-0205](#), and [OAR 855-025-0020](#), significant drug loss and/or violation related to theft must be reported within one business day. Please submit these reports to the Board via email at [pharmacy.druglossreporting@bop.oregon.gov](mailto:pharmacy.druglossreporting@bop.oregon.gov).

### ***No. 668 Board Member Opportunities***

There are periodic opportunities for interested persons to serve on the Board. The Board has the following member opportunities available:

- Two public member positions

Each position is appointed by Governor Kate Brown, and each Board member serves at the pleasure of the governor. For more information, including qualifications and how to apply, please see [ORS 689.115](#) and visit the Board's [website](#).

### ***No. 669 Public Health and Pharmacy Formulary Advisory Committee Opportunities***

There are periodic opportunities for interested persons to serve on the Public Health and Pharmacy Formulary Advisory Committee (PHPFAC). This multidisciplinary committee was convened in 2018 pursuant to [ORS 689.645](#) and [ORS 689.649](#). The Board has the following committee member opportunities available:

- Two pharmacist member positions
- One advanced practice registered nurse member position
- Two physician member positions

If you are interested in applying to serve on the PHPFAC, please see the governor's Boards and Commissions [website](#).

## No. 670 Board Member News

The Board welcomes **Richard “Rich” Joyce, CPHT**, as its new technician member. Rich was appointed by Governor Brown and confirmed by the Senate as a member of the Board, effective May 14, 2021. Rich is a medication history technician lead at Providence St Vincent Hospital and has extensive experience as a pharmacy technician in hospital pharmacies throughout the Portland, OR area. He has bachelor of arts degrees in biology and psychology from George Washington University and served in the United States Army Reserve for nine years and on active duty for three years, including a deployment to Iraq in 2009 as a medic.

In his free time, Rich enjoys the Pacific Northwest and all it has to offer, especially the restaurants, coffee shops, microbreweries, music scene, and, of course, the outdoor activities.

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