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**NOTICE OF PROPOSED RULEMAKING**  
INCLUDING STATEMENT OF NEED & FISCAL IMPACT

CHAPTER 855  
BOARD OF PHARMACY

**FILED**  
04/16/2021 3:22 PM  
ARCHIVES DIVISION  
SECRETARY OF STATE

FILING CAPTION: Will allow immunizing pharmacist supervision of additional interns at immunization clinics

LAST DAY AND TIME TO OFFER COMMENT TO AGENCY: 05/26/2021 4:30 PM

*The Agency requests public comment on whether other options should be considered for achieving the rule's substantive goals while reducing negative economic impact of the rule on business.*

CONTACT: Rachel Melvin  
971-673-0001  
pharmacy.rulemaking@oregon.gov

800 NE Oregon St., Suite 150  
Portland, OR 97232

Filed By:  
Rachel Melvin  
Rules Coordinator

HEARING(S)

*Auxiliary aids for persons with disabilities are available upon advance request. Notify the contact listed above.*

DATE: 05/26/2021

TIME: 9:30 AM

OFFICER: Rachel Melvin

ADDRESS: Oregon Board of Pharmacy  
800 NE Oregon St., Suite 150  
Portland, OR 97232

SPECIAL INSTRUCTIONS:

This hearing meeting will be held via telephonic conference call. To participate, call 1-877-873-8017, participant code 139360#. Email written comment to pharmacy.rulemaking@oregon.gov by 4:30PM on 5/26/2021. Oral comment can be offered at the hearing on the date and time listed above.

NEED FOR THE RULE(S):

During a declared public health emergency the immunizing pharmacist to intern ratio of 1:2 is amended. High demand for vaccinations may exceed supply of pharmacist and intern vaccinators under the previous ratio. Increasing the immunizing pharmacist to intern ratio may improve the supply of vaccinators and facilitate increased vaccination capacity in the interest of public health.

DOCUMENTS RELIED UPON, AND WHERE THEY ARE AVAILABLE:

None

FISCAL AND ECONOMIC IMPACT:

None anticipated.

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COST OF COMPLIANCE:

(1) Identify any state agencies, units of local government, and members of the public likely to be economically affected by the rule(s). (2) Effect on Small Businesses: (a) Estimate the number and type of small businesses subject to the rule(s); (b) Describe the expected reporting, recordkeeping and administrative activities and cost required to comply with the rule(s); (c) Estimate the cost of professional services, equipment supplies, labor and increased administration required to comply with the rule(s).

There are no known economic impacts to the Oregon Board of Pharmacy, small businesses or members of the public.

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DESCRIBE HOW SMALL BUSINESSES WERE INVOLVED IN THE DEVELOPMENT OF THESE RULE(S):

Small businesses were not involved in the development of proposed revisions to these rules.

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WAS AN ADMINISTRATIVE RULE ADVISORY COMMITTEE CONSULTED? NO IF NOT, WHY NOT?

Per Oregon Governor's Executive Orders related to the ongoing public health emergency.

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AMEND: 855-007-0080

RULE SUMMARY: During a declared public health emergency, there may be high demand for immunizing pharmacists and interns to provide vaccinations. By allowing pharmacist vaccinators to supervise as many Oregon-licensed immunizing interns as that pharmacist determines, in their own professional judgment, will maintain public health and safety, the number of persons who are vaccinated may be increased.

CHANGES TO RULE:

855-007-0080

Emergency Immunization and Drug Distribution ¶¶

When a public health emergency has been declared, the following principles and procedures shall apply to the distribution, dispensing and administration of vaccines or drugs:¶¶

- (1) The distribution of vaccines and drugs is to be in accordance with instructions provided by OSPHD.¶¶
- (2) LHDs are authorized to distribute SNS or state stockpile drugs to designated Treatment Centers (TC) or health-care providers designated by the State Public Health Director or a local health administrator.¶¶
- (3) A TC may include but is not limited to:¶¶
  - (a) A LHD;¶¶
  - (b) A clinician;¶¶
  - (c) A community health clinic;¶¶
  - (d) An independent or chain pharmacy;¶¶
  - (e) A hospital or other health-care facility;¶¶
  - (f) A temporary pharmacy;¶¶
  - (g) A mobile pharmacy; or¶¶
  - (h) A tribal health-care facility.¶¶
- (4) A TC may possess, distribute, dispense and administer vaccines and drugs if these rules are in effect.¶¶
- (5) A health-care provider, designated by the local health administrator, at a TC shall be responsible for administration, distribution and tracking of vaccines and drugs in accordance with procedures established by OSPHD.¶¶
- (6) A health-care provider may, if permitted under that provider's scope of practice and these rules, distribute, dispense and administer vaccines and drugs.¶¶

(7) An Individual Data Collection Form (IDCF) shall be filled out for each person receiving a vaccine or drug at a TC or from a health-care provider, and this IDCF shall be treated as a valid prescription and retained as follows:¶¶

(a) An IDCF initiated at a pharmacy or other licensed health-care facility shall be filed and retained for three years;¶¶

(b) An IDCF initiated at a facility that is not a licensed health-care facility or at a temporary or mobile pharmacy shall be sent to OSPHD at the end of the state of emergency except that where the temporary or mobile facility has been established under the authority of OAR 855-007-0100 all records shall be filed and retained in accordance with 855-007-0110.¶¶

(8) Community Partner: A Community Partner means any entity that is authorized by OSPHD or OBOP to:¶¶

(a) Purchase and store vaccines or drugs prior to a pandemic event;¶¶

(b) Store vaccines or drugs in a Board registered facility or at a tribal site;¶¶

(c) Take possession of the vaccines or drugs and distribute to critical infrastructure and key resources when so directed by OSPHD in accordance with OSPHD protocols and procedures.¶¶

(d) A Community Partner shall:¶¶

(A) Distribute all drugs within 72 hours of removal from the storage site;¶¶

(B) Store all drugs in accordance with manufacture's guidelines;¶¶

(C) Record all distributions on a Distribution Log that shall include:¶¶

(i) The name and age of the person receiving the drugs;¶¶

(ii) The name, strength and quantity of the drugs;¶¶

(iii) The date and the time of the distribution.¶¶

(e) The Distribution Log shall be treated as a valid prescription and stored or otherwise disposed of as specified in 855-007-0110;¶¶

(9) This authority for LHDs, TCs, health-care providers and Community Partners to possess drugs shall extend beyond the declared emergency until procedures issued by OSPHD for the return or destruction of unused drugs have been completed.¶¶

(10) A pharmacist may administer a vaccine to a person who is at least three years of age or older.¶¶

(11) For immunization clinics, an immunizing pharmacist may supervise as many Oregon-licensed immunizing interns as that pharmacist determines, in their own professional judgment, will maintain public health and safety.

Statutory/Other Authority: ORS 401.065, ORS 433.441, ORS 689.205, 2013 OLC Ch 332

Statutes/Other Implemented: ORS 689.155, 2013 OLC Ch 332, ORS 689.645