



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

RE: Support for Revision to [OAR 855-019-0210](#)

Dear Members of the Oregon Board of Pharmacy

On behalf of ATA Action, I am writing in support of proposed amendments to OAR 855-019-0210(2)(a) to align with recent changes to Oregon’s telemedicine law pursuant to HB 4034.

ATA Action, the American Telemedicine Association’s affiliated trade association focused on advocacy, advances policy to ensure all individuals have permanent access to telehealth services across the care continuum. ATA Action supports the enactment of state and federal telehealth coverage and fair payment policies to secure telehealth access for all Americans, including those in rural and underserved communities. ATA Action recognizes that telehealth and virtual care have the potential to truly transform the health care delivery system – by improving patient outcomes, enhancing safety and effectiveness of care, addressing health disparities, and reducing costs – if only allowed to flourish.

As ATA Action shared in feedback to the Oregon Board of Pharmacy (“Board”) in May and June of this year, regulation OAC 855-019-0210 was in conflict with newly-passed HB4034. HB4034 made clear licensed practitioners should be able to utilize the full range of available telemedicine technologies while delivering virtual care so long as the technologies being used are appropriate to meet the standard of care for the condition presented by the patient.

ATA Action strongly supports the Board’s proposed amendments to OAC 855-019-0210 to align with HB4034 and appreciates the Board’s efficient response to public comment. While we understand that older regulations included terms like “questionnaire” and “internet-based relationship” to prohibit dangerous and rogue pill mills who were primarily prescribing pain medication, we believe these undefined and outdated terms in OAC 855-019-0210 created unnecessary uncertainty for pharmacists about dispensing prescriptions resulting from appropriate and permissible telemedicine visits. Oregon’s telemedicine law clearly contemplates telemedicine encounters where a physician “prescr[ibes] drugs” using the internet -- including video visits and those using “asynchronous technologies to facilitate an exchange of information between a patient and a physician or physician assistant in other than real time.” (HB4034, Sec. 14(1)).



The Board's proposed revision reinforces the existing protections under OAR 855-019-0210 that ensure patient safety, including that the prescription be issued pursuant to a valid patient-practitioner relationship and for a legitimate medical purpose. Further, it brings consistency to Oregon's telemedicine policy and ensure that patients can access their medications without unnecessary hurdles or delay.

We appreciate the Board's quick response to public feedback and support how the proposed amendment will provide clarity to providers and patients. If you have any questions or would like to engage in additional discussion regarding ATA Action's perspective, please contact me at kzebley@ataaction.org.

Kind regards,

A handwritten signature in black ink, appearing to read "Kyle Zebley", is written over a light gray dotted grid background.

Kyle Zebley
Executive Director
ATA Action