

Secretary of State
STATEMENT OF NEED AND JUSTIFICATION
A Certificate and Order for Filing Temporary Administrative Rules accompanies this form.

Board of Pharmacy
Agency and Division

OAR 855
Administrative Rules Chapter Number

In the Matter of: **Rules for a Public Health Emergency**

Rule Caption: **Amend criteria for implementation of rules for a Public Health Emergency.**

Statutory Authority: ORS 401.043, 401.065, 433.441 and 689.205

Other Authority:

Stats. Implemented: Chapter 25 Oregon Laws 2008, ORS 401.055 and 689.155

Need for the Temporary Rule(s): The Board, in conjunction with the Public Health Division of DHS and the Department of Justice (DOJ), has identified additional criteria that should cause the rules for a public health emergency to become effective. This amendment adds these criteria to the rules.

Documents relied upon, and where they are available:

7/15/09 E-mail from Sr. Assistant Attorney General, Shannon O'Fallon

Justification of Temporary Rule(s):

The Board finds that pursuing permanent rulemaking procedures will delay the implementation of these rules and cause serious prejudice to the public interest in that:

- 1) Current rules do not account for an emergency being declared by the President or a federal official. It is likely that a serious influenza pandemic would cause such a declaration, and when that occurs, the rules in 855-007 need to become effective.
- 2) The Public Health Division of DHS has requested that these revisions should be effective prior to an anticipated influenza outbreak in fall 2009.


Authorized Signer

Gary A. Schnabel
Printed name

08/18/2009
Date