

BOARD OF PHARMACY

DIVISION 110

FEEES

855-110-0015

Administrative Fees

(1) The Board of Pharmacy may charge a fee reasonably calculated to reimburse the agency for costs of providing and conveying copies of public records, and other administrative services.

(2) All fees and charges must be paid before public records will be available for inspection or copies provided.

(3) Costs include but are not limited to:

(a) The services and supplies used in making the records available;

(b) The time spent locating the requested records, reviewing the records, and redacting or separating material exempt from disclosure;

(c) Supervising a person's inspection of original documents;

(d) Copying records;

(e) Certified copies of records and licenses;

(f) Summarizing, compiling or organizing the public records to meet the person's request;

(g) Searching for and reviewing records even if the records subsequently are determined to be exempt from disclosure;

(h) Postal and freight charges for shipping the copies of the public records sent first class or bulk rate based on weight;

(i) Indirect costs or third party charges associated with copying and preparing the public records;

(j) Costs associated with electronic retrieval of records;

(k) Actual costs charged by the Attorney General's office for attorney's time spent in reviewing and redacting material from the records, and in separating material into exempt and nonexempt records. A fee may not be charged for the cost of time spent by an attorney in determining the application of the provisions of ORS 192.410 to 192.505;

(L) Staff time for performing the work;

(m) The cost of publications will be based on the actual costs of development, printing and distribution as determined by the Board;

(4) The Board shall establish and publish a list of fees used to charge requestors for the costs of preparing and making available the following and shall review the schedule at least once a biennium and any time an increase is proposed, to assure that the fees reflect current Board costs:

(a) Photocopies;

(b) Facsimile copies. The Board may limit the transmission to twenty pages;

(c) Electronic copies, CDs, DVDs, and other electronically generated materials including lists electronically mailed from the Board database. The Board shall determine what electronic media for reproduction of computer records may be used and whether the electronic media is to be provided by the Board or the requestor;

(d) Manual license verification;

(e) Publications including but not limited to:

(A) Copies of Laws and Rules;

(B) The newsletter.

(f) Licensee duplicate wall certificates;

(g) Duplicate renewal forms;

(h) Re-mailing of returned mail when a licensee or registrant has failed to notify the Board of a change of address.

(5) No additional fee may be charged for providing records or documents in an alternative format when required by the Americans with Disabilities Act.

(6) The Board shall notify requestors of the estimated fees for making the public records available for inspection or for providing copies to the requestor. If the estimated fees exceed \$25, the Board shall provide written notice and may not act further to respond to the request until the requestor notifies the Board, in writing, to proceed with making the records available.

(7) The Board or its designee may reduce or waive any of the above administrative fees when a determination is made that the waiver or reduction of fees is in the public interest. Factors that may be taken into account in making such a determination include, but are not limited to:

(a) The overall costs incurred by the Board are negligible; or

(b) Providing the requested records or documents is within the normal scope of the Board's activity;
or

(c) Requiring payment would cause extreme or undue financial hardship upon the requestor; or

(d) The request is a discovery request made as part of pending administrative, judicial or arbitration proceedings.

(8) If the Board denies an application for waiver or reduction of fees, the requestor may petition the Attorney General under the provisions of ORS 192.440(5) and 192.450.

(9) The Board establishes the following fees for inspection of out-of-state registrants. When an applicant for registration or renewal of registration requests an inspection, the Board shall execute an agreement with the applicant that must specify that the applicant shall pay:

(a) The travel expenses of each Board staff person (inspector) by coach-class commercial air or by rental car;

(b) The hotel costs of the inspector, subject to the applicant arranging accommodation in a hotel that is, whenever possible, on the federal per-diem list;

(c) Rental car costs for the inspector unless the applicant provides adequate ground transportation;

(d) The per-diem expenses of the inspector;

(e) A fee for the Board's time and expenses calculated as:

(A) The daily compensation of the inspector, plus the costs of any fringe benefits charged to the Board, multiplied by: one plus the number of days or partial days the inspector is away from their normal workplace; plus

(B) An administrative fee of \$750.

(10) In addition to the reinspection fee specified in OAR 855-110-0007, the Board establishes the following administrative fees for a re-inspection of any Oregon drug outlet that is necessary to verify corrections of violations found on an initial inspection:

(a) The travel, hotel and per-diem costs for the inspector; and

(b) The hourly compensation of the inspector plus the cost of any fringe benefits charged to the Board multiplied by the number of hours necessary for the reinspection.

Stat. Auth.: ORS 689.205

Stats. Implemented: ORS 192.430, ORS 192.440