

Prescription Drug Monitoring Program  
800 NE Oregon Street, Suite 730  
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Date: April 9, 2018

TO: Interested Parties

FROM: Lisa Millet, Manager  
Injury and Violence Prevention Program

RE: Notice of Temporary Rulemaking for OAR 333-023-0825 – "Requirements for practitioners to register with the Prescription Drug Monitoring Program"

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The Oregon Health Authority (Authority), Public Health Division is temporarily adopting OAR 333-023-0825 related to requirements for practitioners to register with the Prescription Drug Monitoring Program. **This rule is effective April 5, 2018 through September 15, 2018.** It is the Authority's intention to make this rule permanent before expiration through the permanent rulemaking process.

House Bill 4143, passed during the 2018 legislative session, requires all practitioners in Oregon to register with the Prescription Drug Monitoring Program by July 1, 2018 and allows the Oregon Health Authority to adopt administrative rules to govern sections 7 and 10 of the bill. The short time frame between passage of HB 4143 on March 27, 2018 and the July 1<sup>st</sup> deadline is too short to allow for standard permanent rulemaking to be effective and provide any benefit.

The temporary rule will allow the Oregon Health Authority to remove unnecessary burden on practitioners while preserving the legislative intent. This includes clarifying the conditions under which a practitioner is required to register.

For more details, please see the Certificate and Order for Filing, the Statement of Need and Justification, and the full text of the temporary rule at the following website:  
<http://www.orpdmp.com/pdmprules/>

If you have any questions or would prefer a hardcopy be sent, please contact Drew Simpson at [drew.r.simpson@state.or.us](mailto:drew.r.simpson@state.or.us) or 971-673-1033.

OFFICE OF THE SECRETARY OF STATE  
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ARCHIVES DIVISION  
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**TEMPORARY ADMINISTRATIVE ORDER**  
INCLUDING STATEMENT OF NEED & JUSTIFICATION

**PH 101-2018**

CHAPTER 333  
OREGON HEALTH AUTHORITY  
PUBLIC HEALTH DIVISION

**FILED**  
04/05/2018 3:24 PM  
ARCHIVES DIVISION  
SECRETARY OF STATE  
& LEGISLATIVE COUNSEL

FILING CAPTION: Requirements for practitioners to register with the Prescription Drug Monitoring Program

EFFECTIVE DATE: 04/05/2018 THROUGH 09/15/2018

AGENCY APPROVED DATE: 04/05/2018

CONTACT: Brittany Hall  
503-449-9808  
publichealth.rules@state.or.us

800 NE Oregon St. Suite 930  
Portland, OR 97232

Filed By:  
Brittany Hall  
Rules Coordinator

NEED FOR THE RULE(S):

House Bill 4143, passed during the 2018 legislative session, requires all practitioners in Oregon to register with the Prescription Drug Monitoring Program by July 1, 2018 and allows the Oregon Health Authority to adopt administrative rules to govern sections 7 and 10 of the bill. The short time frame between passage of HB 4143 on March 27, 2018 and the July 1st deadline is too short to allow for standard permanent rulemaking to be effective and provide any benefit.

The temporary rule will allow the Oregon Health Authority to remove unnecessary burden on practitioners while preserving the legislative intent. This includes clarifying the conditions under which a practitioner is required to register.

JUSTIFICATION OF TEMPORARY FILING:

The Authority finds that failure to act promptly will result in serious prejudice to the public interest, the Authority, and Oregon healthcare practitioners. These rules need to be adopted promptly so that clarification of registration requirements can be available during the brief registration window directed in HB 4143, which ends July 1, 2018. Failure to adopt these rules would result in a larger number of practitioners who do not have a reason to access the Prescription Drug Monitoring Program being required to register with the program. This is an unnecessary burden on the practitioners and a privacy concern to allow those without a strong use-case access to the Prescription Drug Monitoring Program data.

DOCUMENTS RELIED UPON, AND WHERE THEY ARE AVAILABLE:

House Bill 4143, 2018 Regular Session: <https://olis.leg.state.or.us/liz/2018R1/Downloads/MeasureDocument/HB4143>

ADOPT: 333-023-0825

RULE TITLE: Practitioner Registration Requirements

RULE SUMMARY: Adopt OAR 333-023-0825: List criteria under which a practitioner is required to register with the

Prescription Drug Monitoring Program.

RULE TEXT:

(1) No later than July 1, 2018, a practitioner that meets the following criteria must register with the Prescription Drug Monitoring Program in accordance with OAR 333-023-0820(8) in order to have access to the Program's electronic system:

(a) Held an active license on March 27, 2018, or becomes a practitioner before July 1, 2018; and

(b) Has an active United States Drug Enforcement Agency (DEA) registration.

(2) A practitioner who becomes licensed on or after July 1, 2018, and who has an active DEA registration must register with the Program as specified in section (1) of this rule, within 10 calendar days of being both licensed as a practitioner and having a DEA registration.

STATUTORY/OTHER AUTHORITY: HB 4143 (OL 2018)

STATUTES/OTHER IMPLEMENTED: HB 4143 (OL 2018)