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NOTICE OF PROPOSED RULEMAKING
INCLUDING STATEMENT OF NEED & FISCAL IMPACT

CHAPTER 855
BOARD OF PHARMACY

FILED

10/25/2021 5:14 PM
ARCHIVES DIVISION
SECRETARY OF STATE

FILING CAPTION: Requires compliance with Oregon Health Authority rules to control the communicable disease COVID-19

LAST DAY AND TIME TO OFFER COMMENT TO AGENCY: 11/23/2021 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.

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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: 11/23/2021

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 virtually via Microsoft Teams.

If you wish to present oral testimony during this hearing, sign up on our website at www.oregon.gov/pharmacy/pages/rulemaking-information or email your contact information to pharmacy.rulemaking@bop.oregon.gov to receive the link to join the virtual meeting.

Alternatively, you may dial (503) 446-4951 Phone Conference ID: 472 815 435# for audio only.

You may file written comments before 4:30PM on November 23, 2021 by emailing your comments to pharmacy.rulemaking@bop.oregon.gov.

NEED FOR THE RULE(S)

Requires licensees and registrants to comply with Oregon Health Authority (OHA) requirements issued to control the communicable disease COVID-19.

Allows the board to take disciplinary action if a licensee or registrant fails to comply with OHA's requirements.

DOCUMENTS RELIED UPON, AND WHERE THEY ARE AVAILABLE

FISCAL AND ECONOMIC IMPACT:

None anticipated.

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.

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.

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

Need to enforce Oregon Health Authority's requirements related to the ongoing public health emergency in a timely manner.

ADOPT: 855-007-0088

RULE SUMMARY: Oregon Board of Pharmacy licensees and registrants must comply with OHA's requirements during a declared emergency.

CHANGES TO RULE:

855-007-0088

Compliance with the Oregon Health Authority's COVID-19 Requirements

(1) The Oregon Health Authority (OHA) has adopted certain rules to control the communicable disease COVID-19. Unprofessional conduct includes failing to comply with any applicable provision of an OHA COVID-19-related rule or any provision of this rule. ¶

(2) Failing to comply as described in subsection (1) includes, but is not limited to:¶

(a) Failing to comply with OHA's rules requiring masks, face coverings or face shields, including OAR 333-019-1011 and OAR 333-019-1025. ¶

(b) Failing to comply with OHA's rules requiring vaccinations, including OAR 333-019-1010. ¶

(3) No disciplinary action or penalty action will be taken under this rule if the rule alleged to have been violated is not in effect at the time of the alleged violation.¶

(4) Imposition of discipline for violating this rule is as authorized by ORS 689.405 and ORS 689.445. Any such discipline will be imposed in accordance with ORS Ch. 183.

Statutory/Other Authority: ORS 689.205

Statutes/Other Implemented: ORS 689.151