

 <p>Oregon Board of Pharmacy</p>	<p>Effective Date: June 13, 2025</p>
<p><b>Oregon Board of Pharmacy Immigration Policies</b></p>	

This document provides the Oregon Board of Pharmacy's (OBOP) immigration policies as follows:

1. Collecting and Maintaining Citizenship or Immigration Status or Country of Birth Information
2. Sharing or Disclosing Citizenship or Immigration Status or Country of Birth Information or Other Protected Information
3. Contact with Federal Immigration Authorities
4. Federal Immigration Authorities' Access to Facilities
5. Federal Immigration Authority Access to Student Records
6. Federal Immigration Authority Access to Patient Records
7. Glossary of Terms for All Policies Included within this Document

## 1. Policy: Collecting and Maintaining Citizenship or Immigration Status or Country of Birth Information

### Purpose

This policy explains:

- The limited circumstances under which employees of OBOP may ask a person for citizenship or immigration status or country of birth information; and
- The rules governing the retention and destruction of citizenship or immigration status or country of birth information.

### Who Should Understand This Policy

Any person who regularly interacts with clients or members of the public should understand this policy, particularly if that interaction involves collecting information from clients or members of the public. OBOP has designated Gary Runyon, Executive Director as a resource for employees who may have questions about this policy.

## Policy

Oregon law prohibits public bodies, including OBOP, from inquiring or collecting information regarding an individual's citizenship or immigration status or country of birth information unless one of the following exceptions applies:

- Citizenship or immigration status or country of birth information is required to advance an investigation into a violation of state or local criminal law (e.g., human trafficking);
- Citizenship or immigration status or country of birth information is submitted to a court of this state, whether orally or in writing, in connections with a proceeding in that court;
- Citizenship or immigration status or country of birth information is necessary to determine the individual's eligibility for a benefit that the individual is seeking; or
- Collection of citizenship or immigration status or country of birth information is required by state or federal law (other than for enforcement of federal immigration laws).

Citizenship or immigration status or country of birth information is information concerning:

- Where a person was born; or
- Whether a person is a citizen of the United States; or
- Whether a person has lawful authority to be present in the United States.

When OBOP collects information to use in its business, the retention of that information is governed by schedules adopted pursuant to ORS 192.018, 192.105 and 192.108. Citizenship or immigration status or country of birth information that is collected pursuant to this policy is subject to the same retention requirements that govern the records of the program for which the information is collected. OBOP's public records retention schedules are on file at the Board office and provided upon request. Information that is not needed for any official purpose of a public body is not a matter of public record, and need not be documented or retained. ORS 192.005(5).

There are some circumstances in which employees of OBOP may need to ask a person for their citizenship or immigration status or country of birth information, and can do so lawfully under Oregon law:

- OBOP is required by state or federal law (other than for enforcement of federal immigration laws) to request the information;
- OBOP requires the information in order to advance an investigation into a violation of state or local criminal law;
- OBOP has received a judicial order, judicial subpoena, or judicial warrant for the information;
- OBOP must submit the information to a court of this state, whether orally or in writing, in connection with a proceeding in that court; or
- The information is necessary to evaluate a person's eligibility for a benefit the person is seeking.

Otherwise, asking about citizenship or immigration status or country of birth information violates state law.

### a. Legal Requirements

OBOP is legally required to ask for citizenship or immigration status or country of birth information under the following circumstances:

- To verify employees' employment eligibility; or
- 8 USC 1621 Aliens who are not qualified aliens or nonimmigrants ineligible for State and local public benefits.

b. Determination of Eligibility for Benefit

In order to determine eligibility for the following benefits administered by OBOP, OBOP must ask for citizenship or immigration status or country of birth information:

- When an applicant or renewal applicant states that they are a foreign national living inside the United States.

c. Information Collected

In order to comply with relevant laws and properly administer the benefits described above, employees of OBOP must collect one or more of the following citizenship, immigration status or country of birth information documents:

- Passport
- Work Visa
- Employment Authorization
- Country Birth Certificate
- Naturalization Document
- Residence Card or Green Card
- Student Visa

## **2. Policy: Sharing or Disclosing Citizenship or Immigration Status or Country of Birth Information or Other Protected Information.**

### **Purpose**

This policy explains:

- That citizenship or immigration status or country of birth information collected by OBOP generally may not be disclosed, unless a statutory exception applies.
- That certain protected information may not be disclosed by OBOP for the purpose of enforcing federal immigration laws, unless a statutory exception applies.
- Under what circumstances can such information be shared or disclosed by a public body.

## **Who Should Understand This Policy**

Anyone who can reasonably expect to come into possession of any person's citizenship or immigration status or country of birth information, or protected information should be familiar with this policy, and should consult with it as necessary when issues governed by the policy arise. OBOP has designated Gary Runyon, Executive Director as a resource for employees who may have questions about this policy.

## **Policy**

### **Generally, Disclosure of Citizenship or Immigration Status or Country of Birth Information is Not Allowed**

Oregon law generally prohibits public bodies from sharing or disclosing citizenship or immigration status or country of birth information that the public body collects, unless one of the following exceptions applies:

- The disclosure is required by state or federal law (other than federal immigration law).
- The disclosure is required by a judicial order, judicial warrant, or judicial subpoena.
- The information being shared with a person concerns only that person or their dependents.
- The information is aggregated and not personally identifiable.

Citizenship or immigration status or country of birth information is any information concerning:

- Where a person was born; or
- Whether a person is a citizen of the United States; or
- Whether a person has lawful authority to be present in the United States.

### **Limited Disclosure of Protected Information**

Oregon law generally prohibits sharing the following protected information about a person if the purpose is for the enforcement of federal immigration law:

- Address;
- Workplace or hours of work;
- School or school hours;
- Contact information, including telephone number, electronic mail address or social media account information;
- Known associates or relatives; and
- Date, time or location of the person's hearings, proceedings or appointments with the public body that are not matters of public record; and
- Above information about a person's relatives or known associates likewise cannot be shared.

In general, federal immigration authorities are agents of the Enforcement and Removal Operations section of US Immigration and Customs Enforcement (ICE), which is housed in the Department of Homeland Security (DHS). However, any federal officer who is seeking to identify or locate one or more individuals for the purpose of pursuing possible removal proceedings is also a federal immigration authority.

Subject to the exceptions described in this policy, protected information may not be shared for the purpose of enforcing federal immigration laws. There may be additional reasons and laws outside of this policy (e.g. confidentiality laws specific to agency programs) that govern why protected information should not be disclosed. Protected information must be disclosed when a state or federal law, outside of federal immigration law, expressly requires disclosure.

## **Judicial Order**

Protected information must be disclosed in the event of a judicial order that directs a public body to provide the information. A judicial warrant is a common type of judicial order. Many forms used by ICE or other federal immigration authorities look very official, but an ICE form is not a judicial order. A judicial order will have the following features:

- A caption, near the top of the document, identifying the court that issued the order (typically the federal district court for the District of Oregon); and
- A signature block, near the end of the document, including the name of the person who signed the order, and identifying that individual as a judge, magistrate, clerk of court, or other person signing on behalf of a judge or magistrate.

By contrast, an ICE form should identify ICE (or DHS) as the issuer of the document, and the signature block on an ICE form will not identify the person who signed it as a judge or magistrate. If you are presented with a document and are unsure whether it is a judicial order, consult your supervisor or Executive Director.

## **Authority to Withhold Citizenship or Immigration Status or Country of Birth Information**

Oregon law allows OBOP to decline to disclose citizenship or immigration status or country of birth information except as required by a judicial order, or as required by state or federal law (other than federal immigration law). However, employees of OBOP must disclose citizenship or immigration status or country of birth information if a judicial order, or if some other state or federal law (other than federal immigration law), requires the disclosure. Citizenship or immigration status or country of birth information is any information concerning:

- Where a person was born; or
- Whether a person is a citizen of the United States; or
- Whether a person has lawful authority to be present in the United States.

This policy does not authorize OBOP to refuse to disclose citizenship or immigration status or country of birth information to the individual that the information is about, or to that individual's legal guardian. It does not authorize OBOP to refuse to disclose information that is not individually identifiable.

## **3. Policy: Contact with Federal Immigration Authorities**

### **Purpose**

This policy explains what employees should do if, in the course of their work, they encounter federal officials enforcing federal immigration law.

## **Who Should Understand This Policy**

All employees of OBOP must be aware of this policy and should consult with it as necessary if they encounter federal immigration authorities. OBOP has designated Gary Runyon, Executive Director, as a resource for employees who may have questions about this policy.

## **Policy**

An encounter with federal immigration authorities while at work may be unusual. OBOP is not tasked with enforcing federal immigration law. Federal immigration authorities do not have unfettered authority to access OBOP's facilities, information, or records. These steps will help ensure such interactions are handled appropriately:

- Ask federal immigration authorities to identify themselves.
- Request to copy or photograph identifying credentials, at least with respect to the official who appears to be in charge.
- Request to copy or photograph any other documentation including warrants, orders, or subpoenas presented by the federal immigration authorities.
- Ask about the purpose of the encounter.
- If access to areas not accessible to the public is requested, inquire whether the access has been authorized by a judicial order, judicial subpoena, or judicial warrant. If so, request to copy or photograph the order before granting access.
- If the agent does not present a judicial order, judicial subpoena, or judicial warrant, decline to provide information or access.
- If the encounter is in any way uncomfortable, ask the federal officials to wait. Consult with a supervisor or with an attorney.
- Document the encounter in detail, including time and date, duration, location, name of the federal immigration authority, name of the agents present, additional witnesses, what was requested (information, access, etc.), what was done by whom, and how the encounter concluded. Provide the documentation and copies of any documents to your supervisor immediately.

## **4. Policy: Federal Immigration Authorities' Access to Public Facilities**

### **Purpose**

This policy explains the extent to which employees of OBOP should allow federal immigration authorities to access facilities controlled by OBOP.

### **Who Should Understand This Policy**

Employees of OBOP who are in a position to allow or prevent access to any OBOP facility must know and understand this policy. OBOP has designated Gary Runyon, Executive Director, as a resource for employees who may have questions about this policy.

## Policy Summary

Absent a judicial order or emergency, employees of OBOP shall give federal immigration authorities no greater access to facilities operated by OBOP than members of the general public.

## Policy

A judicial warrant or other judicial order can authorize federal immigration authorities to access property that is not generally open to the public. In addition, law enforcement authorities generally may enter property as justified by an emergency. Otherwise, law enforcement officers rely on consent to enter property that is not generally open to the public. OBOP does not consent to federal immigration authorities entering areas of OBOP's facilities that are not generally open to the public for purposes of enforcing federal immigration law. Employees of OBOP are not authorized to grant such consent. Consequently, employees of OBOP are not required to allow federal immigration authorities access to those areas, unless presented with a judicial warrant or other judicial order that grants access.

Many forms used by US Immigration and Customs Enforcement (ICE) or other federal immigration authorities look very official, but an ICE form is not a judicial order. A judicial order will have the following features:

- A caption, near the top of the document, identifying the court that issued the order (typically the federal district court for the District of Oregon); and
- A signature block, near the end of the document, including the name of the person who signed the order, and identifying that individual as a judge, magistrate, clerk of court, or other person signing on behalf of a judge or magistrate.

By contrast, an ICE form will identify ICE (or US Department of Homeland Security) as the issuer of the document, and the signature block on an ICE form will not identify the person who signed it as a judge or magistrate. If you are presented with a document and are unsure whether it is a judicial order, consult your supervisor or Executive Director.

Employees of OBOP should not attempt to impede federal immigration authorities claiming an emergency justification for entering non-public areas of OBOP's facilities. Any such occurrence must be documented and reported to a supervisor immediately so that OBOP may consider an appropriate response.

## 5. Policy: Federal Immigration Authority Access to Student Records

### Purpose

This policy explains the extent to which employees of OBOP should allow federal immigration authorities access to student records under the control of OBOP. The policy also explains what records are subject to this policy.

### Who Should Understand This Policy

All employees must be familiar with this policy to know whether they may be in a position to grant access to records covered by the policy. Employees who may be in a position to grant access to student records must know and understand the policy. OBOP has designated Gary Runyon, Executive Director as a resource for employees who may have questions about this policy.

## **Policy Summary**

OBOP complies with federal and state laws governing the confidentiality of student records. Student records, and information from them, shall not be disclosed to federal immigration authorities for purposes of enforcing federal immigration laws. Student records, and information from them, shall not be disclosed except as otherwise authorized under state and federal law.

## **Policy**

Oregon law prohibits disclosure of student records to federal immigration authorities for the purpose of enforcing federal immigration laws. Federal and state laws also make student records confidential and permit their disclosure only in limited circumstances. To assure compliance with applicable federal and state law, OBOP's employees shall not disclose student records, or information from those records, to federal immigration authorities except as allowed by law.

## **6. Policy: Federal Immigration Authority Access to Patient Records**

### **Purpose**

This policy explains the extent to which employees of OBOP should allow federal immigration authorities access to patient records controlled by OBOP. The policy also explains what records are subject to this policy.

### **Who Should Understand This Policy**

All employees must be familiar with this policy to know whether they may be in a position to grant access to records covered by the policy. Employees who may be in a position to grant access to patient records must know and understand the policy. OBOP has designated Gary Runyon, Executive Director, as a resource for employees who may have questions about this policy.

## **Policy Summary**

OBOP complies with federal and state laws governing the confidentiality of patient records. Patient records, and information from them, shall not be disclosed to federal immigration authorities for the purpose of enforcing federal immigration laws. Patient records, and information from them, shall not be disclosed except as otherwise authorized under state and federal law and authorized by ORS 676.

## **Policy**

Oregon law prohibits disclosure of patient records to federal immigration authorities for the purpose of enforcing federal immigration laws. Federal and state laws also make patient records confidential and permit their disclosure only in limited circumstances. To assure compliance with applicable federal and state law, OBOP's employees shall not disclose patient records, or information from those records, to federal immigration authorities except as allowed by law.



## 7. GLOSSARY OF TERMS – Applies to all policies within this document

Citizenship or immigration status or country of birth information is any information concerning:

- Where a person was born; or
- Whether a person is a citizen of the United States; or
- Whether a person has lawful authority to be present in the United States.

Employee means all employees, including limited duration and temporary employees, board and commission members, volunteers, and others working in an agency.

Federal immigration authorities means:

- the United States Department of Homeland Security (DHS),
- the United States Immigration and Customs Enforcement (ICE),
- the United States Citizenship and Immigration Services (USCIS),
- the United States Customs and Border Protection (CBP) or a successor agency, or
- any other federal immigration agency or official, or any other entity to which a federal immigration agency delegates or assigns the authority to detect, investigate or enforce violations of immigration law.

Judicial order means an order signed by a duly authorized officer of the judicial branch. Such an order will have the following features:

- A caption, near the top of the document, identifying the court that issued the order (typically the federal district court for the District of Oregon); and
- A signature block, near the end of the document, including the name of the person who signed the order, and identifying that individual as a judge, magistrate, clerk of court, or other person signing on behalf of a judge or magistrate.

By contrast, an ICE form will identify ICE (or DHS, which houses ICE) as the issuer of the document, and the signature block on an ICE form will not identify the person who signed it as a judge or magistrate.

Judicial subpoena means a subpoena signed by a duly authorized officer of the judicial branch that directs a person or public body to appear in court or produce information or records to the court.

Judicial warrant means a judicial order that commands a law enforcement officer to arrest or detain a person, or search for and take possession of specifically enumerated items of property.

Patient records are records of patients that are subject to federal or state confidentiality laws.

Protected information means the following information about an individual:

- Address;
- Workplace or hours of work;
- School or school hours;
- Contact information, including telephone number, electronic mail address or social media account information;

- Known associates or relatives; and
- Date, time or location of the person's hearings, proceedings or appointments with the public body that are not matters of public record.
- Above information about a person's relatives or known associates.

Student records are subject to federal and state confidentiality laws.