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**TEMPORARY ADMINISTRATIVE ORDER**  
INCLUDING STATEMENT OF NEED & JUSTIFICATION

**BP 23-2021**  
CHAPTER 855  
BOARD OF PHARMACY

**FILED**  
10/18/2021 9:34 AM  
ARCHIVES DIVISION  
SECRETARY OF STATE  
& LEGISLATIVE COUNSEL

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

EFFECTIVE DATE: 10/18/2021 THROUGH 04/15/2022

AGENCY APPROVED DATE: 10/14/2021

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v

**NEED FOR THE RULE(S):**

Requires licensees and registrants to comply with Oregon Health Authority (OHA) requirements issued pursuant to the OHA requirements. Allows the board to take disciplinary action if a licensee or registrant fails to comply with OHA's requirements.

**JUSTIFICATION OF TEMPORARY FILING:**

Oregon Health Authority rules to control COVID-19 apply to licensees and registrants of the Board of Pharmacy to protect the public health. Enforcing these rules is necessary to assure compliance and reduce transmission of COVID-19. The Board of Pharmacy may utilize this rule to enforce licensee and registrant compliance.

**DOCUMENTS RELIED UPON, AND WHERE THEY ARE AVAILABLE:**

OAR 333-019-1010 <https://secure.sos.state.or.us/oard/viewSingleRule.action?ruleVrsnRsn=280799>, OAR 333-019-1011 <https://secure.sos.state.or.us/oard/viewSingleRule.action?ruleVrsnRsn=280518> and OAR 333-019-1025 <https://secure.sos.state.or.us/oard/viewSingleRule.action?ruleVrsnRsn=280702>

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 Authoritys 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