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

**BP 21-2021**  
CHAPTER 855  
BOARD OF PHARMACY

**FILED**  
08/17/2021 9:13 AM  
ARCHIVES DIVISION  
SECRETARY OF STATE  
& LEGISLATIVE COUNSEL

FILING CAPTION: Incorporates directives of 2021 HB 2992 modifying compensation of board members.

EFFECTIVE DATE: 09/25/2021 THROUGH 02/11/2022

AGENCY APPROVED DATE: 08/12/2021

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Filed By:  
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v

NEED FOR THE RULE(S):

2021 HB 2992 directive which modifies amount of compensation paid to members of state boards.

JUSTIFICATION OF TEMPORARY FILING:

Proposed rule amendments take effect 9/25/2021 to align with the effective date of 2021 HB 2992, which is prior to the next scheduled rulemaking hearing to be held in November 2021. Delaying implementation would result in the agency being out of compliance with the directives of 2021 HB 2992.

DOCUMENTS RELIED UPON, AND WHERE THEY ARE AVAILABLE:

2021 HB 2992 <https://olis.oregonlegislature.gov/liz/2021R1/Downloads/MeasureDocument/HB2992/Enrolled>, ORS 292.495 [https://www.oregonlegislature.gov/bills\\_laws/ors/ors292.html](https://www.oregonlegislature.gov/bills_laws/ors/ors292.html); ORS 171.072 [https://www.oregonlegislature.gov/bills\\_laws/ors/ors171.html](https://www.oregonlegislature.gov/bills_laws/ors/ors171.html)

AMEND: 855-010-0016

RULE SUMMARY: Modifies amount of compensation paid to board members and Public Health and Pharmacy Formulary Advisory Committee members of the Oregon Board of Pharmacy. Requires board to pay compensation and expenses to certain members with adjusted gross income below threshold outlined in ORS 292.495. Provides that members may decline to accept compensation or reimbursement.

CHANGES TO RULE:

855-010-0016

Board Administration and Policies: Pharmacy Board Member or Formal Advisory Committee Member Compensation

(1) A board member ~~or member of an~~ and Public Health and Pharmacy Formulary Advisory eCommittee member of the Oregon Board of Pharmacy who is entitled to compensation under ORS 292.495 is eligible to receive ~~up to~~

~~\$100 compensation when engaged in the performance of official duties for each day, calculated as whichever amount is the greater of: ¶~~

~~(a) \$50 after a minimum of three hours of service; or ¶~~

~~(b) \$100 after a minimum of six hours of service an amount equal to the per diem amount paid to members of the Legislative Assembly under ORS 171.072 when engaged in the performance of official duties for each day or portion thereof. ¶~~

(2) For the purpose of compensation, a board member or member of an advisory committee is considered engaged in the performance of official duties when: ¶

(a) The activity furthers the Board's mission, such as attending a board meeting; ¶

(b) Engaged in an activity at the request of the board chair or authorized by a vote of the board in advance of the activity; or ¶

(c) Attending an official advisory committee, such as the Public Health & Pharmacy Formulary Advisory Committee meeting. ¶

(3) Except as otherwise provided by law, all members, including those employed in full-time public service, may receive actual and necessary travel or other expenses actually incurred in the performance of their official duties within the limits provided by law or by the Oregon Department of Administrative services under ORS 292.210 - 292.250. ¶

(4) No board or committee member shall be required to accept compensation or reimbursement of travel expenses while performing their official duties as a board or committee member.

Statutory/Other Authority: ORS 689.115, ORS 689.205

Statutes/Other Implemented: ORS 689.115, ORS 294.495, ORS 689.175, ORS 689.645, ~~2017-OL Ch. 106~~ ORS 689.649, ORS 171.072