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ARCHIVES DIVISION

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NOTICE OF PROPOSED RULEMAKING
INCLUDING STATEMENT OF NEED & FISCAL IMPACT

CHAPTER 855
BOARD OF PHARMACY

FILED

08/17/2023 8:47 AM
ARCHIVES DIVISION
SECRETARY OF STATE

FILING CAPTION: Repeals COVID-19 related rule no longer in effect

LAST DAY AND TIME TO OFFER COMMENT TO AGENCY: 09/27/2023 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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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: 09/27/2023

TIME: 9:30 AM

OFFICER: Rachel Melvin

HEARING LOCATION

ADDRESS: Oregon Board of Pharmacy - Virtual Meeting, 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 virtually during this hearing, sign up on our website at www.oregon.gov/pharmacy/pages/

rulemaking-information or email your first and last name, email address and phone number to

pharmacy.rulemaking@bop.oregon.gov to receive a calendar invitation to join the virtual hearing. Please indicate which rule(s) you would like to comment on.

You must submit written comments before 4:30PM on September 27, 2023. Email written comments to pharmacy.rulemaking@bop.oregon.gov.

REMOTE MEETING DETAILS

MEETING URL: [Click here to join the meeting](#)

PHONE NUMBER: 503-446-4951

CONFERENCE ID: 764448015

NEED FOR THE RULE(S)

Repeals rule that required licensees and registrants to comply with the Oregon Health Authority's (OHA) requirements that were issued to control COVID-19.

DOCUMENTS RELIED UPON, AND WHERE THEY ARE AVAILABLE

OAR 333-019-1011 <https://secure.sos.state.or.us/oard/viewSingleRule.action?ruleVrsnRsn=300107>

OAR 333-019-1025 <https://secure.sos.state.or.us/oard/viewSingleRule.action?ruleVrsnRsn=286429>

OHA Public Health Order Rescinding Health Care Masking

<https://sharedsystems.dhsoha.state.or.us/DHSForms/Served/le-196189.pdf>

STATEMENT IDENTIFYING HOW ADOPTION OF RULE(S) WILL AFFECT RACIAL EQUITY IN THIS STATE

Proposed rule repeal provides clarity for licensees and registrants. It is anticipated that repeal of this rule will not impact any group of people differently than others.

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 agency, other state or local government, 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 with the development of proposed amendments.

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

Board staff recommend repealing the rule for clarity for licensees and registrants.

REPEAL: 855-007-0088

RULE SUMMARY: The OHA rescinded provisions in OAR 333-019-1011 which required workers in health care settings to wear masks on 4/3/2023 and repealed OAR 333-019-1010 requiring workers in health care settings to be COVID-19 vaccinated on 5/11/2023. With the OHA's rescission of these rules, the board rule is no longer needed. The proposed rulemaking would repeal the board's rule in its entirety.

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