



Title: Board Delegation Policy

Policy Number: 02

Annual Approval Date: July 20, 2022

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Dates Reviewed: June 23, 2022; July 20, 2022; August 23, 2023

1. Statutory authority

The Prescription Drug Affordability Board is convened under [ORS 646A.693 through 646A.697](#). Nothing in this document is intended to be contrary to these, or any, statutes, constitutional provisions, or relevant judicial decisions. To the extent there is any inconsistency, the statutes, constitution, and judicial decisions govern.

2. Purpose

- a. To clarify when staff within the Department of Consumer and Business Services (DCBS) may perform work on behalf of the Prescription Drug Affordability Board.
- b. To provide guidance to the board regarding their duties and responsibilities with respect to staff.

3. Board support

Staff from the Department of Consumer and Business Services shall provide support to the board including serving as the recording secretary for the board; coordinating board meeting times, location (virtual or otherwise), materials, and other logistics; compiling information necessary for the board to conduct affordability reviews, administrative rule development and drafting, policy issue brief development, data analysis, and additional tasks as delegated by the board.

Staff may also provide support to the board in preparing policy recommendations to the Legislative Assembly and preparation of annual reports to the Legislative Assembly pursuant to [ORS 646A.696 through 646A.697](#).

DCBS, with the approval from the board, may enter into contracts with qualified, independent third parties for services necessary to carry out the powers and duties of the board. All third-party contractors are required to agree to contractual provisions that address confidentiality and non-disclosure to protect trade-secret, confidential, or proprietary information. Third party contractors are to disclose any conflict of interests prior to entering into contract agreement and if any conflicts occur under the time of the contract.

The board may also delegate particular tasks to DCBS on a case-by-case basis to perform its duties.

4. Policy statement

The board delegates its authority to Staff to perform the following functions on the Board's behalf. The board may also delegate its authority to staff in other specific policies and procedures, or during meetings through oral direction or by written resolution. The board may elect to perform any of these duties at its discretion, including delegation of any of these duties to an individual board member.

Board meetings pursuant to Oregon Public Meetings Law, [ORS Chapter 192](#)

- a. Facilitate public meetings and board executive sessions, including scheduling meetings, arranging meeting platforms and/or locations, and sending calendar invitations and board-related notices.
- b. Provide public notice of board meetings and agenda items on the board website and Oregon Transparency website.
- c. Develop agendas for board meetings in coordination with the board chair.
- d. Serve as the recording secretary for the board and prepare meeting minutes for consideration by the board.
- e. Prepare board materials.
- f. Distribute agenda and materials in support of the board agenda to each board member.
- g. Review meeting materials and agenda items with legal counsel prior to the board meeting.
- h. Record all meetings.
- i. Provide minutes and recordings of board meetings on the board website.
- j. Record and securely store recordings of all executive sessions entered into by the board at board meetings.

Contracts

- a. Pursuant to and in compliance with state law and procurement policies, facilitate contracts for work deemed necessary by the board to carry out its powers and duties and ensure contract deliverables requested by the board, if any, are prepared and presented to the board.
- b. The board determines that to necessarily carry out its powers and duties, DCBS is authorized to contract on its behalf for work related to the following:
 - i. Data identification, collection, and analysis related to pharmaceutical markets and supply chains, prescription drug pricing, and other state and federal programs related to prescription drug pricing;
 - ii. Data, research, analysis, and supporting materials to inform the process for and

- conducting of affordability reviews;
- iii. Equity and cultural responsiveness related to the Board's activities; and
- iv. Data, research, analysis, and supporting materials for board consideration in identifying potential policy recommendations to the Legislative Assembly and compiling board recommendations.

Administration

- a. Serve as the custodian of record for the board in accordance with Oregon Public Records law ([ORS Chapter 192](#)).
- b. Maintain records for the board in accordance with board retention policies and all applicable laws and regulations, including but not limited to securely storing information, documents, and records received by the board and executing the board's destruction policy.
- c. Establish and maintain an electronic mail account for the board for submission of public comment, public inquiries, or submissions of information for board consideration.
- d. Receive and respond to requests related to the board in accordance with any applicable board policies and all applicable laws and regulations and seek assistance of legal counsel in connection with any such request, if necessary.
- e. The executive director or any other staff for the board may accept service on behalf of the board.
- f. Draft and issue correspondence on behalf of the board, including with stakeholders, to communicate board positions and determinations, provide notice of board activities, respond to administrative or ministerial requests made to the board, and/or seek additional information on behalf of the board.
- g. Receive and maintain documents and correspondence addressed or submitted to the board and ensure the board's review of such materials, if necessary.
- h. Draft reports and memoranda pertaining to work completed by or on behalf of the board.
- i. Maintain the board's public webpage and ensure the webpage contains the following:
 - i. Conflicts of interest disclosed to the board pursuant to [ORS 646A.693](#).
 - ii. Reports prepared for the Health Care Cost Growth Target program pursuant to [ORS 646A.696](#).
 - iii. Reports prepared for the Legislative Assembly pursuant to [ORS 646.697](#).
 - iv. Notice of board meetings and hearings.
 - v. All agendas, non-confidential and non-privileged meeting materials, and board-approved meeting minutes.
 - vi. List of board members.

- vii. Instructions for submitting materials for the board's consideration.
- viii. Contact information for submitting requests pursuant to Oregon Public Meetings Law, [ORS Chapter 192](#).
- ix. Policies and procedures adopted by the board.
- x. Resolutions, orders, and any other memorialized decisions by the board.
- xi. Findings, reports, and studies conducted by the board, redacted for confidential information as necessary.
- xii. Notices of proposed rulemaking and rulemaking hearing information.
- xiii. Regulations and guidance adopted by the board.
- xiv. List of all prescription drugs the board determines to be unaffordable.
- xv. Any material specifically requested by the board.

Support for performance of board duties

- a. Facilitate rulemaking conducted by the board, including but not limited to:
 - i. Draft rules for consideration by the board.
 - ii. Effectuate publication and/or filing of notices of draft proposed regulations approved by the board, and adopted rules in the Oregon Bulletin, on the Oregon Secretary of State's website.
 - iii. Submit requests for advice from Oregon Department of Justice.
 - iv. Compile the official rulemaking record for all rulemaking conducted by the board, including receipt and inclusion of any public comments.
- b. Collect and provide conflicts of interest to the board by distribute conflict of interest forms and coordinate completion of disclosures when required by law.
- c. Draft reports required by [ORS 646A.696 and ORS 646A.697](#), and present drafts to the board for review, amendment, and approval.
- d. Coordinate with legislative staff regarding any legislative hearings or presentations.
- e. Coordinate the secure collection of and access to data and information on behalf of the board pursuant [ORS 646A.694, ORS 646A.696, and ORS 646A.697](#), including by working with other state agencies, stakeholders, and presenting material received to the board, and entering into memoranda of understanding or data use agreements as needed and approved by the board.
- f. Request notification and copies of any notices of membership withdrawal received by the board pursuant to [ORS 646A.693](#).
- g. Assist in the collection and presentation of data, information, or analysis necessary for the board to perform its duties related to affordability reviews and as may be further specifically addressed in other board policies.