

TO: Numi Lee Griffith, Department of Business and Consumer Services
FROM: The Oregon Coalition for Affordable Prescriptions
DATE: May 26th, 2021
RE: SB 763 (2021) Proposed Rules

Thank you for the opportunity to provide feedback on the proposed rules for SB 763 (2021). We appreciate the work the department has put into the rules advisory committee process, the temporary rules, and the proposed rules.

The Oregon Coalition for Affordable Prescriptions (OCAP) is made up of consumer groups, health care providers and plans, labor groups, community organizations, and everyday Oregonians affected by high drug prices. Our coalition was founded with the goals of increasing transparency and lowering prescription drug prices for Oregonians. During the 2021 legislative session, we supported SB 763 and believe strongly in the value of the licensing program for pharmaceutical sales representatives.

For far too long, pharmaceutical sales representatives have operated behind closed doors – pushing high-cost name brand medications directly to health care providers – all while Oregonians make tough choices between paying for medications or paying for essential needs like food and rent. Oregon is lifting the veil on these pharmaceutical drug marketing practices by requiring sales representatives to be licensed with the state if they want to market their products; to receive education and training on ethical standards; and most importantly, to report on their interactions with providers.

The proposed rules put forward by the department lay the foundation for a strong program. There are a few specific components from the rules that we would like to highlight:

1. Strong definitions (836-200-0605): Definitions for “monetary value” and “gift” help provide needed context for reporting requirements.
2. Reporting requirements (836-200-0620): While many reporting requirements were laid out in statute, we appreciate that the agency has developed a form and reporting system to streamline the process and ensure needed information is reported to the agency.
3. Standards and civil penalties (836-200-0625 and 0630): The clear conduct standards and ability for the department to leverage penalties for violations provide the necessary teeth to implement a licensure program.
4. Education requirements (836-200-0635): We applaud the department’s decision requiring 10 hours of initial education and five hours of continuing education for the licensure program, as these thresholds and the subject areas provide a necessary education foundation for pharmaceutical sales reps in Oregon. While we know that agency did not want to repeat statute in the rules, we think it is vital to note that the education providers *cannot* be the sales rep’s employer [see Oregon Laws 2021, Chapter 593, Section 1 (5)(b)].

OCAP appreciates the work of the department in crafting these rules to establish Oregon’s pharmaceutical sales representative licensing program.