



## PERMANENT ADMINISTRATIVE ORDER

### ID 1-2020

CHAPTER 836  
DEPARTMENT OF CONSUMER AND BUSINESS SERVICES  
INSURANCE REGULATION

**FILED**

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ARCHIVES DIVISION  
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& LEGISLATIVE COUNSEL

FILING CAPTION: Amends timelines for public disclosure of drug manufacturer pricing reports and fee assessments

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#### RULES:

836-200-0545, 836-200-0555

AMEND: 836-200-0545

NOTICE FILED DATE: 11/25/2019

RULE SUMMARY: Amend timeline for public disclosure of prescription drug manufacturer filings provided in compliance with Oregon Laws 2018, chapter 7.

#### CHANGES TO RULE:

836-200-0545

##### Public Disclosure of Prescription Drug Manufacturer Filings

- (1) As soon as practicable after receiving a filing from a prescription drug manufacturer under OAR 836-200-0530, the department shall post to its website the name of the manufacturer and the prescription drug that is the subject of the filing.¶
- (2) No later than 90 days after receiving a filing the applicable date as specified in subsection (3) following the receipt of a filing from a manufacturer under OAR 836-200-0530 or a response to a request for additional information from a manufacturer under OAR 836-200-0530~~5~~, the department shall post to its website the information provided by the prescription drug manufacturer in the filing.¶
- ~~(3) No later than 60 days after receiving a or response.¶~~
- ~~(3) Each year, the department shall post the information specified in subsection (2) no later than:¶~~
- ~~(a) March 31, for filings or responses to a requests for additional information from a manufacturer under OAR 836-200-0535, the department shall post the received between October 1 and December 31 of the previous calendar year:¶~~
- ~~(b) June 30, for filings or responses to requests for additional information received between January 1 and March 31:¶~~
- ~~(c) September 30, for filings or responses to requests for additional information received between April 1 and June 30; and¶~~
- ~~(d) December 31, for filings or responses to its website requests for additional information received between July~~

1 and September 30.¶

(4) As soon as practicable after submission of a request for additional information by the department under OAR 836-200-0535, receipt of a manufacturer's request for additional time to complete a response under 836-200-0535, or submission or receipt of any other correspondence pertaining to the filing from the department or the manufacturer, the department shall post these documents to its website.¶

(5) Notwithstanding subsections (1)-to (4), if a manufacturer has made a trade secret claim, the information that is the subject of the trade secret claim will not be posted to the department's website until a determination has been made by the department or, in the case of a manufacturer's appeal, the director, as specified by OAR 836-200-0540.¶

(6) No information determined by the department to be exempt from disclosure under OAR 836-200-0540 shall be included in the information posted to the department's website.

Statutory/Other Authority: ~~2018~~ Or Laws 2018, ch 7

Statutes/Other Implemented: ~~2018~~ Or Laws 2018, ch 7

AMEND: 836-200-0555

NOTICE FILED DATE: 11/25/2019

RULE SUMMARY: Amend procedure and timeline for calculating assessment against prescription drug manufacturers that have filed one or more reports in compliance with Oregon Laws 2018, chapter 7.

CHANGES TO RULE:

836-200-0555

Assessments Against Prescription Drug Manufacturers

(1) Once annually, no later than October 1, all reporting manufacturers will pay an assessment of \$400. The Director may by order reduce the fees assessed for any specific year.¶

(2) ~~Once annually, no later than October 1 annually,~~ reporting manufacturers that have filed one or more reports under OAR 836-200-0515 to 836-200-0530 ~~since October 1 of the prior~~ between August 1 of the previous year and July 31 of the current year must pay an additional assessment for each report filed.¶

(3) ~~For the purposes of subsection (2), the director shall determine the amount of the assessment by dividing subtracting the revenue collected under subsection (1) from the amount of revenue needed to cover the department's estimated expenses in administering 2018 Or Laws ch 7 SOregon Laws 2018, chapter 7, section 2 and OAR 836-200-0500 to 836-200-0555 by the total number of filings, minus, and dividing the resulting amount by the total number of filings subject to assessment between August 1 of the previous year and July 31 of the current year.~~ The director shall determine the amount of revenue needed by considering the legislatively approved expenditures for administration of 2018 Or Laws ch 7 SOregon Laws 2018, chapter 7, section 2 and OAR 836-200-0500 to 836-200-0555, as well as the timing of cash revenues and expenditures.¶

(34) The revenue collected under subsections (1) ~~and (32)~~ of this section must be used solely for expenses incurred in the administration of 2018 Or Laws ch 7 SOregon Laws 2018, chapter 7, section 2 and OAR 836-200-0500 to 836-200-0555.¶

(45) A manufacturer must pay each assessment imposed under this rule no later than 30 days after the date of the assessment by the department. A manufacturer must pay interest at nine percent per annum on any assessment that is not paid when due.

Statutory/Other Authority: ~~2018 Or Laws 2018, ch 7~~

Statutes/Other Implemented: ~~2018 Or Laws 2018, ch 7~~