



**Oregon Prescription Drug Affordability Board Virtual Meeting
Thursday, June 23, 2022 Minutes
Approved on July 20, 2022**

Call to Order and Roll Call

Executive Director Ralph Magrish called the meeting to order at 9:32 a.m. and called roll.

Board Members Present: Shelley Bailey, Richard Bruno, Daniel Hartung, Akil Patterson.

Alternates Present: Robert Judge, Rebecca Spain

Welcome Remarks and Introductions

Oregon Sen. Rob Wagner, Sen. Deb Patterson, Rep. Rachel Prusak, and Alex Cheng, deputy director of the Division of Financial Regulation, welcomed board members to the inaugural meeting. Executive Director Magrish introduced board members and read their bios on Pages 2-3 in the agenda packet posted online:

<https://dfr.oregon.gov/pdab/Documents/20220623-PDAB-document-package.pdf>

The executive director also introduced staff and counsel.

Executive Session

The board adjourned to executive session for legal advice pursuant to ORS 192.660(2)(f). The meeting was not open to the public with the exception of media and staff. No votes were taken.

Return to Open Session

The board returned to open session and a roll call was taken. All board members were present.

SB 844 Overview and Extension Request

Executive Director Magrish reviewed Senate Bill 844, which established the board, and reviewed the extension request for the annual reporting requirement. The Senate Bill can be found on Pages 9-17 and the letter on Pages 18-19 of the agenda packet: <https://dfr.oregon.gov/pdab/Documents/20220623-PDAB-document-package.pdf>

Election of Board Chair, Vice Chair

Executive Director Magrish led the board through an election of a chair and vice chair. After nominations and roll call votes, the board elected Akil Patterson as chair and Shelley Bailey as vice chair.

Term Assignments

Executive Director Magrish led the board through the term requirements in Section 9 of Senate Bill 844 and presented the following recommendations for the board.

Board Position	Term Length	Expires On
Position 1 Chair	4 years	12/31/2026
Position 2 Vice Chair	4 years	12/31/2026
Position 3	3 years	12/31/2025
Position 4	3 years	12/31/2025
Position 5 (Vacant)	2 years	12/31/2024
Alternate Position 1	4 years	12/31/2026
Alternate Position 2	3 years	12/31/2025
Alternate Position 3 (Vacant)	2 years	12/31/2024



Board Member Dr. Bruno said, since code does not specify, if the chair or vice chair step down from the position before their terms expire, will the board vote for a new chair or vice chair. Executive Director Magrish said they hope the board chair and vice chair can continue their roles through the duration of their terms. But if they resign, the board would elect a new chair and vice chair. He said a motion is needed to approve the recommended term assignments. He called on Chair Patterson to conduct business. Chair Patterson asked for a motion and Member Dr. Bruno so moved. Vice Chair Shelley Bailey provided a second. The chair called for a vote.

MOTION by Richard Bruno to approve the recommended board appointments.

Board Roll Call Vote:

Yea: Shelley Bailey, Richard Bruno, Daniel Hartung, Akil Patterson.

Nay: None.

Motion passed.

PDAB Policies and Procedures

PDAB Draft Policy: Executive Director Magrish said PDAB has received public comment that was shared with the board regarding the delegation policy, concerning government functions, adequate confidentiality protection, and fair notice of rules that may impact public policy. The draft policies for board review today provide general guidance and direction to address the objectives of the board. The policies provide that the board convenes under ORS 646A.693-697. There is nothing in these policies contrary to those or any other statutes, constitutional provisions, or relevant juridical decisions. These board operating policies are necessary for the board to function. Following staff presentation, board will have options for votes, to table, table individual portions, or adopt the policies as they have already been reviewed by the Department of Justice for legal sufficiency. He introduced Cortnee Whitlock, board policy analyst, who reviewed the draft PDAB Policy on Pages 20-24 of the agenda packet: <https://dfr.oregon.gov/pdab/Documents/20220623-PDAB-document-package.pdf>

Chair Patterson asked for one of three motion options: table the policy; table individual parts of the policy; or accept staff recommendation and adopt the policy. Vice Chair Shelley Bailey moved to table all of the policy in light of public comments recently provided to the board. Chair Patterson asked for a second and hearing none, said the motion failed. Chair Patterson asked for other motions. Vice Chair Bailey made a motion to table the confidentiality piece for further review. Chair Patterson asked for a second. Board Member Dan Hartung provided a second for future discussion. Vice Chair Bailey said she would like reassurance for any vendors providing analysis to the board or to whom confidential information would be presented, that those contractors would have non-disclosure agreements with the state. Executive Director Magrish pointed to Section 17 of the PDAB Policy, confidentiality as it relates to staff, which can be found on Page 24 of the agenda packet: <https://dfr.oregon.gov/pdab/Documents/20220623-PDAB-document-package.pdf>.

Vice Chair Bailey said she was referring to Senate Bill 844 Section 1 (18)(b), "Unless permission is granted by the board, a third party hired by the board may not release, publish or otherwise use any information to which the third party has access under its contract," on Page 10 of the agenda packet: <https://dfr.oregon.gov/pdab/Documents/20220623-PDAB-document-package.pdf>. Vice Chair Bailey asked about the repercussions if this is not followed, since sensitive information is being provided to a vendor. Chair Patterson said the bill delegates authority from board to staff to contract with a third party. The chair asked if the third parties would be liable if they violated terms of the contract. Executive Director Magrish said any perimeters around prospective contractors would be included in the Request for Proposal and the final contract language, prior to execution, and would include the appropriate safeguards. Vice Chair Bailey thanked Mr. Magrish for the clarity on the issue. Chair Patterson asked for further comments and hearing none, said, because



of the pending motion and second, the board needs to take a roll call vote. The chair called for a roll call vote to table a portion of the PDAB policy.

MOTION by Shelley Bailey to table a portion of the PDAB policy.

Board Roll Call Vote:

Nay: Shelley Bailey, Richard Bruno, Daniel Hartung, Akil Patterson.

Yea: None.

Motion failed.

Chair Patterson asked for a motion to accept all of the PDAB policy recommendations and Member Dr. Bruno so moved. Member Daniel Hartung provided a second. Chair Patterson asked for a roll call vote.

MOTION by Richard Bruno to approve the PDAB policy.

Board Roll Call Vote:

Yea: Shelley Bailey, Richard Bruno, Daniel Hartung, Akil Patterson.

Nay: None.

Motion passed.

PDAB Delegation Policy: Cortnee Whitlock, board policy analyst, reviewed the delegation policy on Pages 25-28 of the agenda packet: <https://dfr.oregon.gov/pdab/Documents/20220623-PDAB-document-package.pdf>. Chair Patterson asked for a motion and said a concern was noted by stakeholders of interest which could take some deliberation or time to think about. Vice Chair Bailey moved to table the policy. Member Dr. Bruno provided a second. Chair Patterson asked for a roll call vote.

MOTION by Shelley Bailey to table the PDAB Delegation Policy.

Board Roll Call Vote

Yea: Shelley Bailey, Richard Bruno, Daniel Hartung, Akil Patterson.

Nay: None.

Motion passed.

Chair Patterson said the policy has been tabled for a later date. He asked staff to move it to the July 20 meeting and staff agreed.

Appoint Rulemaking Coordinator

Executive Director Magrish said the board needs to appoint a rulemaking coordinator and move forward with temporary rules. He recommended the board appoint Karen Winkel from Department of Consumer Business Services to serve as rulemaking coordinator. Chair Patterson asked if anyone so moved. Member Richard Bruno made the motion and Member Daniel Hartung provided the second. Chair Patterson called for the vote.

MOTION by Richard Bruno to appoint Karen Winkel as rulemaking coordinator.

Board Roll Call Vote:

Yea: Shelley Bailey, Richard Bruno, Daniel Hartung, Akil Patterson.

Nay: None.

Motion passed.

Temporary Rule Overview and Adoption, Temporary Filing Statement of Need and Justification

Executive Director Magrish asked the chair's permission to extend the meeting 15 minutes to complete agenda items and limit public comment to 3 minutes. The chair agreed. Executive Director Magrish introduced Cassie



Soucy, senior policy advisor, and Cortnee Whitlock, board policy analyst, as presenters for the next agenda item. Cassie Soucy provided an overview of the rulemaking process, filing temporary rules, the three proposed rules and the Statement of Need Justification on Pages 29-31 in the agenda packet:

<https://dfr.oregon.gov/pdab/Documents/pdab-rural-app.pdf>.

Model Rules for Rulemaking, Notice of Rulemaking, Public Records Requests, OAR 925-100-0001-0003

Cortnee Whitlock reviewed the temporary rules for public records requests on Pages 32-33 in the agenda packet. Chair Patterson asked for a motion to adopt these rules and Member Dr. Bruno so moved. Vice Chair Bailey provided a second. Chair Patterson asked for a roll call.

MOTION by Richard Bruno to adopt model rules.

Board Roll Call Vote:

Yea: Shelley Bailey, Richard Bruno, Daniel Hartung, Akil Patterson.

Nay: None.

Motion passed.

Announcements and Board Calendar

Executive Director Magrish said the board is doing ground-breaking work. He thanked the board for patience and grace with the technology and process issues in today's meeting and said staff strives to do better going forward. He told the board this is rocky soil but the board is laying a foundation to promote important work and meaningful change for Oregonians in months and years to come. He is honored to work and serve with the board. He announced board vacancies for one full position and one alternate position. This is a recruitment for rural residents and positions are open to anyone who meets the perimeters of the legislation and represent the needs and interests of rural Oregonians. The board has established a monthly meeting calendar of the third Wednesday. Other than next month, when the meeting begins at 9:00 a.m., all future meetings will be held from 9:30 to 11:30 a.m. The board calendar and recruitment application can be found on the PDAB website:

<https://dfr.oregon.gov/pdab/Pages/index.aspx>

Public Comment

Chair Patterson asked those providing public comments to stay within a three-minute time frame and asked the secretary to track time. He called on Dharia McGrew, director of state policy, PhRMA. She thanked the board for kicking off the first meeting of PDAB and said she appreciated the discussion of issues raised in her letter submitted to the board. She said the delegation policy is lacking and some of the policy delegates too much of Oregon's authority without adequate detail and protections. She said there is a lack of detail in the confidentiality policies. She appreciates the board's conversation today and urges members to consider these concerns and flesh out these policies further with more detail. Chair Patterson called on the next speaker. Executive Director Magrish said people requesting to provide public comment to the board must sign up in advance. Marybeth Guarino said she is the health care advocate for OSPiRG, which strongly supports SB 844 and the goals of the board. She has heard from consumers who met deductibles in the first month of their plan year because of prescription costs. She said there are Oregonians currently paying thousands of dollars a month for medications that will save lives, ease pain, and address symptoms of diseases. She said, along with filling prescriptions, these Oregonians must pay rent and buy food and clothes for their children. She urges the board to keep this in mind as they consider prescription costs and make recommendations. She thanked board members for their time and commitment to lowering prescriptions costs for all Oregonians.

Adjournment

There being no further business before the board, the chair moved to adjourn the meeting at 11:32 a.m.