

Secretary of State
Certificate and Order for Filing
TEMPORARY ADMINISTRATIVE RULES
A Statement of Need and Justification accompanies this form.

I certify that the attached copies* are true, full and correct copies of the TEMPORARY Rules adopted on 1-26-2011 by the _____
Date prior to or same as filing date

Oregon Board of Pharmacy _____ 855
Agency and Division Administrative Rules Chapter Number

Karen MacLean _____ 800 NE Oregon St., Suite 150, Portland, OR 97232 _____ 971-673-0001
Rules Coordinator Address Telephone

to become effective upon filing _____ through June 30, 2011
Date upon filing or later A maximum of 180 days including the effective date.

RULE CAPTION

Adopt rules for fingerprint-based nationwide criminal background checks on employees, potential employees and volunteers.

RULEMAKING ACTION
List each rule number separately, 000-000-0000.

ADOPT: 855-010-0050, 855-010-0055, 855-010-0057, 855-010-0060, 855-010-0065, 855-010-0067, 855-010-0070, 855-010-0075, 855-010-0080, 855-010-0085, 855-010-0087.

AMEND:

SUSPEND:

ORS 181.534, 676.303, 689.205 _____
Stat. Auth. Other Authority

ORS 181.534 _____
Stats. Implemented

RULE SUMMARY

These rules provide the authority and process for the Board to conduct fingerprint-based nationwide criminal background checks, through the Oregon State Police and FBI, on employees, potential employees and applicants for volunteer positions with the Board. This includes a process for final determination of fitness and an appeals procedure.

A copy of the text can be obtained from the Board's web site, www.pharmacy.state.or.us, or by calling the Board office (971) 673-0001.

 _____ Gary A. Schnabel, R.Ph. R.N. _____ 2/3/2011
Authorized Signer Printed name Date

Secretary of State
STATEMENT OF NEED AND JUSTIFICATION
A Certificate and Order for Filing Temporary Administrative Rules accompanies this form.

Board of Pharmacy
Agency and Division

OAR 855
Administrative Rules Chapter Number

In the Matter of: **Criminal background checks on employees**

Rule Caption: **Adopt rules for fingerprint-based nationwide criminal background checks on employees, potential employees and volunteers.**

Statutory Authority: ORS 181.534, 676.303, 689.205

Other Authority:

Stats. Implemented: ORS 181.534

Need for the Temporary Rule(s):

Although the Board has statutory authority and rules for conducting nationwide background checks on licensees and applicants for licensure, the Board does not have rules to implement its statutory authority to conduct such checks on employees, potential employees and volunteers. These temporary rules will enable the Board to conduct fingerprint-based nationwide criminal background checks on employees, applicants for employment and on any applicants for volunteer positions with the Board. The rules provide a process for the check, for final determination of fitness, and an appeal procedure.

Documents relied upon, and where they are available:

None

Justification of Temporary Rule(s):

The Board finds that pursuing permanent rulemaking procedures will delay the implementation of these rules and cause serious prejudice to the public interest in that the Board would not have the appropriate process and authority to conduct nationwide background checks on applicants for employment that the Board could consider hiring in the next few months.


Authorized Signer

Gary A. Schnabel, R.Ph. R.N.
Printed name

2/3/2011
Date