

OREGON HOUSE HEALTH COMMITTEE TESTIMONY – OFFICIAL SUBMISSION

Statement for the Record – HB 4040

Date Submitted: February 5, 2026

Submitted by: Shelley J. Bailey | shelley@famlee.com

Chair Nosse, Vice-Chair Diehl, Vice-Chair Nelson, and Members of the Committee,

For the record, my name is Shelley J. Bailey. I currently serve as Chair of the Oregon Prescription Drug Affordability Board (PDAB) and have been a member of the Board since its inception. I am providing this testimony in my personal capacity, not on behalf of the Board.

By way of background, my partner and I previously owned Central Drugs Pharmacy in downtown Portland, where we served vulnerable communities for decades.

I am testifying today specifically regarding Section 38, Subsection 8 and requesting it be removed in its entirety from HB 4040.

This subsection begins with, “ The Governor shall select one of the members of the board as chairperson. ”

The Oregon PDAB was created as an independent advisory board to provide objective analysis and recommendations to the Legislature. Our credibility depends on that independence.

Under long-standing Oregon practice, boards and commissions select their own leadership from among their members. While letters have been sent to the legislature suggesting that most PDAB’s have the governor appoint the chair, this is not correct. Colorado is the only PDAB where the Governor does so (in a permanent capacity) and Colorado has an entirely different statute, as they are involved in price controls. To my knowledge, there is no other comparable board in Oregon (absent of the Oregon Liquor and Cannabis Commission (OLCC), the Oregon Public Utility Commission (PUC) and the Oregon Employer Relations Board, which are regulatory bodies) where the Governor appoints the Chair.

This proposal would make the PDAB an outlier for a board of its kind in Oregon and would introduce the perception—if not the reality—of political influence over a body intentionally structured to function independently.

We currently have an open seat on the PDAB. Under the language as written, it would be possible for an entirely new appointee—someone with no prior experience, no familiarity with processes, and no participation in past work—to be appointed and immediately installed as Chair. That scenario would undermine the continuity, stability, and collaborative culture the Board has built over the last four years.

This issue is not about this Legislature, this Chair, or this Governor. It is about protecting the independence of Oregon’s advisory boards so that future Legislatures can continue to receive objective information without undue intervention from the executive branch. The integrity of our decision-making process depends on preserving that independence.

For these reasons, I respectfully request this language to be removed so that the PDAB—and other Oregon boards—can continue to select their own leadership consistent with established governance norms.

Thank you for your time today and for the work you do for Oregonians.

Sincerely,

— Shelley J. Bailey
Electronic Signature
Shelley J. Bailey
Portland, Oregon