



Date: August 6, 2021
To: Interested Parties
From: Zintars Beldavs, Section Manager
Acute & Communicable Disease Prevention Section
Subject: Notice of Temporary Rulemaking – OAR 333-019-1010, "Vaccination and Testing Requirements to Control COVID-19 for Healthcare Providers and Healthcare Staff"

The Oregon Health Authority (Authority), Public Health Division is temporarily adopting OAR 333-019-1010 pertaining to vaccination and testing requirements for healthcare providers and healthcare staff to control COVID-19.

This temporary rule is effective August 5, 2021, through January 31, 2022.

OAR 333-019-1010 helps to prevent and slow the spread of COVID-19 by requiring health care personnel and healthcare staff who work in healthcare settings to either be vaccinated against COVID-19 or be tested for COVID-19 on at least a weekly basis.

Healthcare personnel includes individuals, paid and unpaid working, learning, studying, assisting, observing, or volunteering in a healthcare setting who are providing direct patient or resident care or who have the potential for direct or indirect exposure to patients, residents, or infectious materials. This includes but is not limited to any individual licensed by a health regulatory board as defined in ORS 676.160, unlicensed caregivers, and any clerical, dietary, environmental services, laundry, security, engineering, and facilities management, administrative, billing, student, and volunteer personnel.

Healthcare settings covered by this rule include any place where health care, including physical or behavioral health care is delivered, including, but not limited to any health care facility or agency licensed under ORS chapter 441 or 443, such as hospitals, ambulatory surgical centers, birthing centers, special inpatient care facilities, long-term acute care facilities, inpatient rehabilitation facilities, inpatient hospice facilities, nursing facilities, assisted living facilities, adult foster homes, residential facilities, residential behavioral health facilities, pharmacies, hospice, vehicles or temporary sites where health care is delivered (e.g., mobile clinics, ambulances), and outpatient facilities, such as dialysis centers, health care provider offices, behavioral health care offices, urgent care centers, counseling offices, offices that provide complementary and alternative medicine such as acupuncture, homeopathy, naturopathy, chiropractic and osteopathic medicine, and other specialty centers.

An employer of healthcare providers or healthcare staff, contractors or responsible parties must have and follow a policy for:

- (a) Requesting and obtaining proof of vaccination from every healthcare provider and healthcare staff person.
- (b) Requiring COVID-19 testing on at least a weekly basis for any healthcare provider or healthcare staff person who is unvaccinated or has an unknown vaccination status.
- (c) Maintaining documentation of weekly COVID-19 test results for any healthcare provider or healthcare staff person who is unvaccinated or has an unknown vaccination status.

Full compliance with the rule is required no later than September 30, 2021.

A person who violates the rule on or after September 30, 2021, may have civil penalties imposed against them of \$500 per day per violation.

For more details, please see the Temporary Administrative Order, including the Statement of Need and Justification and the full text of the temporary rules at the following website:

www.healthoregon.org/diseasereporting

If you have any questions or would prefer to be sent a hard copy, please send an email to publichealth.rules@dhsosha.state.or.us