

Action Request Transmittal Developmental Disabilities Services



Lilia Teninty

Authorized signature

Number: DD-AR-21-080

Issue date: 9/10/2021

Topic: Developmental Disabilities

Due date:

Subject: Executive Order 21-29 Requiring COVID-19 Vaccination for Executive Branch and Workers, and Oregon Administrative Rule 333-019-1010 COVID-19 Vaccination Requirements for Healthcare Staff in Healthcare Settings

Applies to (check all that apply):

- | | |
|---|--|
| <input type="checkbox"/> All DHS employees | <input type="checkbox"/> County Mental Health Directors |
| <input type="checkbox"/> Area Agencies on Aging: {Select type} | <input type="checkbox"/> Health Services |
| <input type="checkbox"/> Aging and People with Disabilities | <input checked="" type="checkbox"/> Office of Developmental Disabilities Services (ODDS) |
| <input type="checkbox"/> Self Sufficiency Programs | <input checked="" type="checkbox"/> ODDS Children's Intensive In Home Services |
| <input checked="" type="checkbox"/> County DD Program Managers | <input checked="" type="checkbox"/> Stabilization and Crisis Unit (SACU) |
| <input checked="" type="checkbox"/> Support Service Brokerage Directors | <input checked="" type="checkbox"/> Other (<i>please specify</i>): ODDS Contractors |
| <input type="checkbox"/> ODDS Children's Residential Services | |
| <input type="checkbox"/> Child Welfare Programs | |

Learn more about vaccination requirements in Governor Brown's Executive Order 21-29 and the Oregon Health Authority rule:

Adult Foster Home Providers

Please register for Healthcare Rule and AFH on Sep 15, 2021 11:00 AM PDT at: <https://attendee.gotowebinar.com/register/5509748841907064589>. After registering, you will receive a confirmation email containing information about joining the webinar.

DD Group Home Providers

Please register for Healthcare Rule and DD Group Home Providers on Sep 15, 2021 1:00 PM PDT at: <https://attendee.gotowebinar.com/register/5332124937463239693>. After registering, you will receive a confirmation email containing information about joining the webinar.

Reason for action:

Executive Order 21-29

Governor Brown's [Executive Order 21-29](#) ("EO 21-29") requires all executive branch state employees to be fully vaccinated by October 18, 2021. "Fully vaccinated" means at least 14 days have passed since the individual's final dose of COVID-19 vaccine. In addition to state employees, EO 21-29 applies to all "Workers." As outlined in Section 1 of EO 21-29, "Worker" means an individual who is not an Employee, and is engaged to provide goods or services on site and in-person, regardless of frequency, to the Executive Branch through any formal or informal agreement, whether compensated or uncompensated. A "Worker" does not include a visitor, patron, adult in custody, or board, commission, or council member. Individuals are exempt from the definition of Worker unless any provisions of the agreement to provide goods or services requires work to be performed in person and on site at an Executive Branch worksite.

This means any ODDS contractor who must be in-person in any Executive Branch worksite ("state worksite") to deliver goods or services must also be fully vaccinated on or before 10-18-2021. Worksites include (but are not limited to):

- Stabilization and Crisis Unit (SACU) facilities and property;
- Children Intensive In-Home Services offices;
- Children's Residential offices;
- ODDS main offices such as 500 Summer St., NE in Salem;
- Vocational Rehabilitation offices;
- Aging and People With Disabilities offices;
- Self-Sufficiency offices;
- Child Welfare offices;
- Any Oregon Department of Human Services office where "Oregon Forward" contract work is performed; and
- Any other Executive Branch worksite.

Due to this definition, this requirement extends to:

1. All Case Management Entity staff who go into a state office in person as part of their regular job duties;
2. All ODDS Medicaid agency and provider staff who go into a state office in person to perform their work; and,
3. Any other ODDS contractor who may perform work in-person at a state office as part of their regular job duties.

More information can be found in the Department of Administrative Services [FAQ](#). ODDS also has an FAQ on this Executive Order which can be found here:

<https://www.oregon.gov/dhs/SENIORS-DISABILITIES/DD/ODDS%20Resource%20Library/ODDS-COVID-Vaccine-Executive-Order-FAQ.pdf>

OAR 333-109-1010

[Oregon Administrative Rule 333-019-1010](#) (“OAR 333-019-1010”) requires that on or before October 18, 2021, healthcare providers and healthcare staff must provide their employer, contractor or responsible party with either proof of vaccination or documentation of a medical or religious exception. This rule includes:

1. Medicaid Agencies endorsed to deliver 24 Hour Group Home Services; and
2. Adult Foster Care Providers.

This means all Direct Care Professionals and anyone paid and unpaid, working, learning, studying, assisting, observing or volunteering in a healthcare setting [24 Hour Group Home or Adult Foster Care setting] providing direct patient or resident care or who have the potential for direct or indirect exposures to patients, residents, or infection materials must be vaccinated by October 18, 2021. Due to this definition, this requirement includes (but is not limited to):

1. DSPs, managers and others who work or assist in a 24 Hour Group Home;
2. DSPs, manager and other who work or assist in an Adult Foster Care Home;
3. Nurses who support individuals in a 24 Hour Group Home or Adult Foster Care Home;
4. Behavior Support Professionals who as part of their regular job duties visit, observe, etc. in a 24 Hour Group Home or Adult Foster Care Home;
5. Case Management Entities including Services Coordinators, Personal Agents, Abuse Investigators, Licensors and Eligibility Specialists who as part of their regular job duties visit, monitor, assist in transfers, etc. in a 24 Hour Group Home or Adult Foster Care Home; and
6. Any other contractor who as part of their regular job duties has direct or indirect contact with an individual who resides in a 24 Hour Group Home or Adult Foster Care home in the 24 Hour Group Home or Adult Foster Home.

Note: all state contractors have language in their contract under the “Standard Terms and Conditions” exhibit section named “Compliance with Law,” which states: “Contractor shall comply with all federal, state and local laws, regulations, executive orders and ordinances applicable to Contractor and the contract”. Medicaid Agencies and other providers have language in the Provider Enrollment Agreement under “Compliance with Applicable Laws” which state: “Provider shall comply, and require all subcontractors to comply, with federal, state and local laws and regulations applicable to items and services under this PEAA...”

A grid that outlines more specifically when a contractor would be included in this rule is available here: <https://www.oregon.gov/dhs/SENIORS-DISABILITIES/DD/ODDS%20Resource%20Library/ODDS-COVID-Rule-Vaccination-Grid.pdf>.

A helpful vaccination requirements flowchart can be found here:

<https://www.oregon.gov/dhs/SENIORS-DISABILITIES/DD/ODDS%20Resource%20Library/ODDS-Vaccine-Requirement-Flowchart.pdf>.

Further, more information can be found in the OHA Frequently Asked Questions document, here:

<https://sharedsystems.dhsoha.state.or.us/DHSForms/Served/le3879.pdf>

ODDS also has an FAQ on the OHA rule which can be found here:

<https://www.oregon.gov/dhs/SENIORS-DISABILITIES/DD/ODDS%20Resource%20Library/ODDS-COVID-Healthcare-Rule-Vaccine-FAQ.pdf>

Action Required:

All ODDS contractors who are required by EO 21-29 or OAR 333-109-1010 must be fully vaccinated on or before 10-18-2021. For more details, or examples, see the grid at the bottom of this Action Request. Additionally, the timeline for vaccination can be found here: <https://www.oregon.gov/dhs/SENIORS-DISABILITIES/DD/ODDS%20Resource%20Library/Vaccine-Mandate-Dates.pdf>

Specifically, for EO 21-29, contractors are required to maintain records of vaccination for all staff who meet the definition of “Worker” as outlined above. Medical and religious exemptions are allowed as outlined in EO 21-29 and it is the requirement of the contractor to review exemption requests to ensure compliance with the rule. Records of vaccination must be on the “Executive Order 21-29 Vaccination Compliance Form.” At this time, ODDS is awaiting the final form. Given the urgency of this requirement, ODDS is asking contractors to share these requirements and begin gathering information. As soon as the compliance form is available, ODDS will distribute widely. In the event that the contractor has employees who meet the requirements for a medical or religious exemption, this must also be documented and additional requirements may apply. Section 5 of EO 21-29 states “The Executive Branch is expected to make reasonable accommodations in order to comply with the Americans with Disabilities Act and Title VII of the Civil Rights Act, and state law equivalents, for individuals unable to be vaccinated due to disability, qualifying medical condition, or a sincerely held religious belief.”

Specifically, for OAR 333-109-1010, vaccination documentation and any documentation of medical and religious exceptions must be maintained in accordance with applicable federal and state laws; maintained for at least two years; and provided to the Oregon Health Authority upon request. Like EO 21-29, [Oregon Administrative Rule 333-019-1010](#) section 4(b)(A) and 4(b)(B) also outlines medical and religious exception. Further, Section 5 of this rule outlines that the Employers of the healthcare providers, staff, contractors, as outlined above and in the grid below are responsible

for documenting compliance with the rule. Please review the rule and OHA [FAQ](#) for more details.

These requirements are all subject to audit by the Oregon Health Authority, the Department of Administrative Services, or ODDS as any time.

Field/stakeholder review: Yes No

If yes, reviewed by:

If you have any questions about this action request, contact:

Contact(s): ODDS COVID-19 team	
Phone:	Fax:
Email: dd.directors@dhsoha.state.or.us	