COVID-19 Vaccination Reporting in Licensed Assisted Living Facilities, Nursing Facilities and Residential Care Facilities

The Oregon Department of Human Services, Aging and People with Disabilities Program (APD) is immediately adopting temporary rules in OAR chapter 411, division 61 to establish COVID-19 vaccination reporting requirements in licensed Assisted Living Facilities, Nursing Facilities, and Residential Care Facilities.

- **411-061-0010 Reporting of COVID-19 Vaccination Data in Nursing Facilities, Assisted Living Facilities, and Residential Care Facilities** – Created to establish definitions and vaccination data gathering and submission requirements. It also requires that
facilities must be able to provide individual-level vaccination status information for staff and residents upon request.

STATEMENT OF NEED AND JUSTIFICATION

Need for the Rule(s):

Due to the COVID-19 pandemic, the Department is adopting OAR chapter 411, division 61, which requires licensed Assisted Living Facilities, Nursing Facilities and Residential Care Facilities to report vaccination data for staff and residents on a weekly basis. CMS is requiring vaccination data reporting for all nursing facilities beginning June 13, 2021, and these rules would require uniform reporting data for all long-term care facility types. This information is critical in evaluating vaccination efforts and overall risks to vulnerable adults.

Justification of Temporary Filing:

Failure to act promptly and immediately adopt OAR chapter 411, division 061 will result in serious prejudice to the public interest and may diminish efforts to prevent the transmission of COVID-19. These rules need to be adopted promptly so that all licensed long-term care facility types have similar vaccination data reporting requirements.

Documents Relied Upon, and where they are available:

None.

/s/ Mike McCormick, Interim Director, Aging and People with Disabilities 6/1/2021
Signature Date
COVID-19 VACCINATION REPORTING FOR LICENSED ASSISTED LIVING FACILITIES, NURSING FACILITIES AND RESIDENTIAL CARE FACILITIES

411-061-0010 Reporting of COVID-19 Vaccination Data in Nursing Facilities, Assisted Living Facilities, and Residential Care Facilities
(Temporary effective 6/1/2021 through 11/27/2021)

(1) For purposes of this rule, the following definitions apply:

(a) “Assisted Living Facility” has the meaning given that term in OAR 411-054-0005.

(b) “Authority” means the Oregon Health Authority.

(c) "Contraindication" means a physical condition or disease that renders a particular vaccine improper or undesirable in accordance with the current recommendations of the Advisory Committee on Immunization Practices, U.S. Department of Health and Human Services, and the Centers for Disease Control & Prevention.

(d) “Nursing Facility” has the meaning given that term in OAR 411-085-0005.

(e) “Residential Care Facility” has the meaning given that term in OAR 411-054-0005.

(f) “Staff” means individuals who work in a facility on a regular basis (at least once a week), including individuals who may not be physically in the facility for a period of time due to illness, disability, or
scheduled time off, but who are expected to return to work. This also includes individuals under contract or arrangement, including hospice and dialysis staff, physical therapists, occupational therapists, mental health professionals, or volunteers, who are in a facility on a regular basis.

(2) All Assisted Living Facilities, Nursing Facilities, and Residential Care Facilities must request the following information from residents and staff and submit the following information to the Authority, on a weekly basis, or less frequently if authorized by the Authority, in a form and manner prescribed by the Authority:

(a) Number of staff who, if known:

   (A) Were eligible to work during the previous week.

   (B) Have received one dose of an available two-dose COVID-19 vaccine, by product.

   (C) Have received a complete series of available COVID-19 two-dose vaccine, or one-dose COVID-19 vaccine, by product.

   (D) Have a medical contraindication to receipt of COVID-19 vaccine.

(b) Number of Residents who:

   (A) Were at the facility for at least one day in the previous week.

   (B) Have received one dose of an available two-dose COVID-19 vaccine, by product.

   (C) Have received a complete series of available COVID-19 two-dose vaccine, or one-dose vaccine, by product.
(D) Have a medical contraindication to receipt of COVID-19 vaccine.

(3) Long-term Care Facilities that report the information in section (2) of this rule through the National Healthcare Safety Network in compliance with Centers for Medicare and Medicaid Services requirements beginning June 13, 2021, may, in lieu of reporting this information directly to the Authority, report the information to the Authority through the National Healthcare Safety Network.

(4) Nursing facilities, Assisted Living Facilities, and Residential Care Facilities must provide individual-level vaccination status information for residents and staff upon request by the Authority for purposes of a disease outbreak investigation or to validate data reported in accordance with this rule.

Statutory/Other Authority: ORS 441.025, 441.055, 441.615, 441.630, 441.637, 441.650, 443.400-443.455, 443.991

Statutes/Other Implemented: ORS 441.025, 441.055, 441.615, 441.630, 441.637, 441.650, 443.400-443.455, 443.991