



TEMPORARY ADMINISTRATIVE ORDER
INCLUDING STATEMENT OF NEED & JUSTIFICATION

PH 26-2020

CHAPTER 333
OREGON HEALTH AUTHORITY
PUBLIC HEALTH DIVISION

FILED

04/27/2020 11:38 AM
ARCHIVES DIVISION
SECRETARY OF STATE
& LEGISLATIVE COUNSEL

FILING CAPTION: Temporary amendment of mandatory reporting of health care worker influenza vaccination

EFFECTIVE DATE: 05/01/2020 THROUGH 09/29/2020

AGENCY APPROVED DATE: 04/27/2020

CONTACT: Brittany Hall
971-673-1111
publichealth.rules@state.or.us

800 NE Oregon St. Suite 930
Portland, OR 97232

Filed By:
Brittany Hall
Rules Coordinator

NEED FOR THE RULE(S):

Hospitals, skilled nursing facilities, dialysis facilities, and free-standing ambulatory surgical centers are required to report influenza vaccinations, documented contraindications, and informed declination rates for staff in accordance with ORS 442.855 and OAR 333-018-0000 through 333-018-0145. This mandatory reporting is due on an annual basis by May 31.

Coronavirus disease 2019 (COVID-19), caused by a novel strain of coronavirus named "SARS-CoV-2", has put unprecedented strain on the healthcare system in Oregon and across the country. The need to prepare for, and respond to, COVID-19 has led to a remarkable increase in staff workload in hospitals, skilled nursing facilities, and dialysis facilities. Many ambulatory surgery centers have been forced to close. The current deadline for reporting of healthcare worker influenza vaccination data places undue burden on healthcare facilities and their staff during the current surge of COVID-19 cases. At the same time, healthcare worker influenza vaccination data will help inform Oregon's COVID-19 response during the upcoming flu season. In balancing the value of this data and the burden placed on facilities from mandated reporting by May 31, facilities will now have until September 30, 2020 to submit their data.

JUSTIFICATION OF TEMPORARY FILING:

The Authority finds that failure to act promptly will result in serious prejudice to the public interest, the Authority, applicable healthcare facilities, and Oregonians who have COVID-19 or are at risk from COVID-19. Healthcare facilities that have been forced to close would not be able to meet the May 31, 2020 deadline and could face potential \$500 per day fines for failure to report their data. The other Oregon facilities would have a difficult time meeting the deadline due to their COVID-19 response activities. This rule needs to be amended promptly so that Oregon healthcare facilities can quickly diagnose, treat, and institute control measures to improve patient outcomes and slow the spread of COVID-19.

DOCUMENTS RELIED UPON, AND WHERE THEY ARE AVAILABLE:

OHA. Healthcare Worker Influenza Vaccination Reporting (updated April 15, 2020). Available at <https://www.oregon.gov/oha/PH/DISEASES/CONDITIONS/COMMUNICABLEDISEASE/HAI/REPORTING/Pages/Influenza-Vaccination-Reporting.aspx>. Accessed April 15, 2020.

CDC. Coronavirus (COVID-19) (updated April 15, 2020). Available at <https://www.cdc.gov/coronavirus/2019-ncov/index.html>. Accessed April 15, 2020.

OHA. Oregon Health Authority COVID-19 Updates (updated April 15, 2020). Available at <https://govstatus.egov.com/OR-OHA-COVID-19>. Accessed April 15, 2020.

AMEND: 333-018-0127

RULE TITLE: Annual Influenza Summary

RULE SUMMARY: Temporarily amending OAR 333-018-0127 pertaining to health care worker influenza vaccination data reporting with a new due date of September 30, 2020. The original due date was May 31, 2020.

RULE TEXT:

Each hospital, including licensed satellites, ASC, Dialysis facility, LTCF, and IRF must submit an annual survey to the Authority, no later than September 30, on a form prescribed by the Authority, regarding influenza vaccination of staff. Facilities must report at least the following information:

- (1) Number of staff with a documented influenza vaccination during the previous influenza season;
- (2) Number of staff with a documented medical contraindication to influenza vaccination during the previous influenza season;
- (3) Number of staff with a documented refusal of influenza vaccination during the previous influenza season; and
- (4) Facility assessment of influenza vaccine coverage of facility staff during the previous influenza season and plans to improve vaccine coverage of facility staff during the upcoming influenza season.

STATUTORY/OTHER AUTHORITY: ORS 442.855

STATUTES/OTHER IMPLEMENTED: ORS 442.855