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TEMPORARY ADMINISTRATIVE ORDER INCLUDING STATEMENT OF NEED & JUSTIFICATION

PH 18-2020

CHAPTER 333

OREGON HEALTH AUTHORITY

PUBLIC HEALTH DIVISION

FILED

03/30/2020 4:56 PM

ARCHIVES DIVISION

SECRETARY OF STATE

& LEGISLATIVE COUNSEL

FILING CAPTION: Reporting test results for COVID-19 and reporting of COVID-19 hospitalizations and deaths

EFFECTIVE DATE: 03/30/2020 THROUGH 09/04/2020

AGENCY APPROVED DATE: 03/30/2020

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NEED FOR THE RULE(S):

An emerging serious and sometimes fatal disease called "COVID-19" caused by a novel strain of coronavirus named "SARS-CoV-2" was detected in China in December 2019 and in the United States January 20, 2020. It has since become pandemic, and it has been identified in all 50 states, the District of Columbia, Puerto Rico, Guam, and the U.S. Virgin Islands. Some countries have experienced numbers of hospitalizations that have overwhelmed health systems. The Governor of Oregon declared a statewide emergency March 8, 2020, and has since ordered the closure of schools and businesses and implemented other social distancing measures in an attempt to slow the disease's spread and prevent Oregon health systems from being overwhelmed. Explicitly making COVID-19 reportable will allow public health officials to isolate cases, investigate possible sources of illness, assess its risk to the public and make appropriate preventive recommendations. Reporting of negative test results will further allow public health officials to assess risk to various demographic groups. Therefore, this temporary rule requires laboratories to report both positive and negative tests for COVID-19. Explicitly making COVID-19 hospitalizations and deaths reportable will allow public health officials to assess trends in severe illness and the fatality rate of the disease; and the effectiveness of social distancing measures. Health care providers must submit reports through an electronic case reporting portal.

JUSTIFICATION OF TEMPORARY FILING:

The Authority finds that failure to act promptly will result in serious prejudice to the public interest, the Authority, and Oregonians who may be at risk from COVID-19. These rules need to be adopted promptly so that the Authority and Oregon local public health authorities can quickly respond to, investigate, and institute control measures to slow and stop the spread of the disease.

DOCUMENTS RELIED UPON, AND WHERE THEY ARE AVAILABLE:

World Health Organization. Coronavirus disease (COVID-19) Pandemic (updated 27 Mar 2020). Available at www.who.int/emergencies/diseases/novel-coronavirus-2019. Accessed 27 Mar 2020.

CDC. Coronavirus Disease 2019 (COVID-19) (updated 27 Mar 2020). Available at www.cdc.gov/coronavirus/2019-ncov/index.html. Accessed 27 Mar 2020.

Office of the Governor, State of Oregon. Executive Order No. 20-12. Available at www.oregon.gov/gov/Documents/executive_orders/eo_20-12.pdf. Accessed 27 Mar 2020.

ADOPT: 333-018-0900

SUSPEND: Temporary 333-018-0900 from PH 13-2020

RULE TITLE: Reporting of COVID-19 Information

RULE SUMMARY: OAR 333-018-0900 was previously adopted, effective March 9, 2020, to require the reporting of a positive or negative test result for COVID-19. The rule is being updated to also require the reporting of individuals with COVID-19 who are hospitalized, and requires the reporting of deaths from COVID-19. Health care providers must submit reports through an electronic case reporting portal.

RULE TEXT:

In accordance with OAR chapter 333, division 18:

(1) Health care providers shall report within 24 hours (including weekends and holidays):

- (a) All human cases of COVID-19 to the local public health administrator. When local public health administrators cannot be reached within the specified time limit, reports shall be made directly to the Oregon Health Authority.
- (b) Hospitalization of any individual with COVID-19, on and after March 9, 2020, whether or not the case was previously reported, through an Online Morbidity Report, which can be found at: www.healthoregon.org/howtoreport.
- (c) Deaths of any individual due to COVID-19, on and after March 9, 2020, whether or not the case was previously reported, through an Online Morbidity Report, which can be found at: www.healthoregon.org/howtoreport.

(2) Licensed laboratories shall report:

- (a) All test results indicative of and specific for COVID-19 within 24 hours (including weekends and holidays); and
- (b) All negative test results for COVID-19 within one local public health authority working day.

STATUTORY/OTHER AUTHORITY: ORS 413.042, 433.004, 433.006

STATUTES/OTHER IMPLEMENTED: ORS 433.004