



Date: September 1, 2021
To: Interested Parties
From: Zintars Beldavs, Section Manager
Acute & Communicable Disease Prevention Section
Subject: Notice of Temporary Rulemaking – OAR 333-019-1010, "Vaccination 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 requirements for healthcare providers and healthcare staff to control COVID-19.

This temporary rule is effective September 1, 2021, through January 31, 2022 and replaces Temporary Administrative Order PH 38-2021 filed and effective August 25, 2021.

OAR 333-019-1010 helps to prevent and slow the spread of COVID-19 by requiring that healthcare personnel and healthcare staff who work in healthcare settings be vaccinated against COVID-19 or request a medical or religious exception. Note that a previous requirement (Temporary Administrative Order PH 34-2021) included a testing option, which is eliminated with the current requirement.

Healthcare personnel includes individuals, paid and unpaid working, learning, studying, assisting, observing or volunteering in a healthcare setting providing direct patient or resident care or who have the potential for direct or indirect exposure to patients, residents, or infectious materials, and includes but is not limited to any individual licensed by a health regulatory board as that is 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 setting includes any place where health care, including physical or behavioral health care is delivered and includes, but is 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, residential facilities, residential behavioral health facilities, adult foster homes, group homes, pharmacies, hospice, vehicles or temporary sites where health care is delivered (for example, 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.

Medical exception means that an individual has a physical or mental impairment that prevents the individual from receiving a COVID-19 vaccination.

Religious exception means that an individual has a sincerely held religious belief that prevents the individual from receiving a COVID-19 vaccination.

After October 18, 2021:

- A health care provider or healthcare staff person may not work, learn, study, assist, observe, or volunteer in a healthcare setting unless they are fully vaccinated or have provided documentation of a medical or religious exception.
- An employer of healthcare providers or healthcare staff, a contractor, or a responsible party may not employ, contract with, or accept the volunteer services of healthcare providers or healthcare staff persons who are working, learning, studying, assisting, observing or volunteering at a healthcare setting unless the healthcare providers or healthcare staff persons are fully vaccinated against COVID-19 or have a documented medical or religious exception.

On or before October 18, 2021, healthcare providers and healthcare staff must provide their employer, contractor, or responsible party with either:

- Proof of vaccination showing they are fully vaccinated; or
- Documentation of a medical or religious exception.

On or before October 18, 2021, all employers of healthcare providers or healthcare staff, contractors, and responsible parties must have documentation that all healthcare providers and healthcare staff are in compliance with the rule.

The vaccination documentation and documentation of medical and religious exceptions described in the rule 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.

Employers of healthcare providers or healthcare staff, contractors and responsible parties who violate any provision of this rule are subject to civil penalties 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, please send an email to COVID.19@dhsosha.state.or.us