



Date: August 24, 2023

To: Interested Parties

From: Zintars Beldavs, Section Manager
Acute & Communicable Disease Prevention Section

Subject: Notice of Proposed Permanent Rulemaking: OAR chapter 333, divisions 17, 18, 19 & 56-
“Updates to reportable diseases; clarification and rules regarding infectious waste”

This notice of proposed rulemaking, which was previously filed on July 28, 2023, is being re-filed with a rescheduled hearing date and extended comment period due to omissions from summary information, which were identified after the initial filing.

The Oregon Health Authority (OHA), Public Health Division, Acute and Communicable Disease Prevention Program is proposing to permanently amend Oregon Administrative Rules in chapter 333, divisions 17, 18, 19 and 56 pertaining to reportable diseases and infectious waste. OHA proposes to amend the terms and definitions in 333-017-0000; amend OAR 333-018-0015 by adding new reportable conditions, amend OAR 333-018-0018 by adding new isolates and specimens to be submitted to the Oregon State Public Health Lab for testing; amend OAR 333-018-0130 to clarify reporting requirements of Oregon’s Public Records Act; amend OAR 333-019-0010 and OAR 333-056-0050 to remove irrelevant language, to remove COVID-19 from the list of restrictable diseases, and to add the term “syringe” to clarify the definition. OHA will also repeal OAR 333-018-0011 and references to it in OAR 333-018-0010, as the authorizing statute was repealed by House Bill 3159 (Oregon Laws 2021, chapter 549), effective January 1, 2023.

These proposed changes amend definitions, by adding “carbapenemase-producing,” dropping “lead poisoning” for “elevated blood lead level” and changing “Enterobacteriaceae family” to “Enterobacterales order” and “non-susceptible” to “resistant” (to carbapenem antibiotics), adding breakpoints for Acinetobacter; and nomenclature by dropping “lead poisoning” for “elevated blood lead level” and changing “Enterobacteriaceae family” to “Enterobacterales order” and “non-susceptible” to “resistant” to carbapenem antibiotics. Definitions for “susceptible” and “exposed” (to COVID-19) are also removed, as the requirement to restrict exposed, susceptible persons from schools and children’s facilities was repealed effective August 22, 2022. Proposed changes additionally harmonize the time frame for exposure to COVID-19 prior to symptom onset for purposes of reporting suspected Multi-System Inflammatory Syndrome in Children (MIS-C), in keeping with an updated national case definition (now 60 days instead of 28 days).

The proposed rules also clarify that the Oregon Health Authority must adhere to reporting requirements of Oregon's Public Records Act relating to disclosure of mandated reporting of healthcare acquired infections.

The proposed changes would also make the following diseases reportable:

- Carbapenem-resistant *Acinetobacter* species found to be resistant to any carbapenem antibiotic;
- Any organism known to be carbapenemase-producing;
- *Candida auris*;
- *Cronobacter sakazakii* in an infant less than one year of age;
- Evidence of enterotoxigenic or Shiga-toxigenic organism, for example, from nucleic-acid or antigen testing; and
- Death of any person <18 years of age with laboratory-confirmed respiratory syncytial virus (RSV) or SARS-CoV-2 infection.

Proposed rule changes add the following isolates and specimens to the list for submission to the Oregon State Public Health Laboratory:

- Isolates of *Acinetobacter* species resistant to any carbapenem antibiotic;
- Isolates of any organism known to be carbapenemase-producing;
- Isolates of *Cronobacter sakazakii* from infants under the age of 1 year; and
- Specimens that test positive by antigen-detection or nucleic acid testing for:
 - *Listeria*, *Salmonella*, *Shigella*, *Vibrio*, or *Yersinia*, for which culture has not been attempted; and
 - Shiga toxin, and from which *Escherichia coli* O157 has not been isolated.

OAR 333-018-0011, which required health care providers to collect data on Race, Ethnicity, and (preferred spoken and written) Language, along with Disability status ("REALD") at the time of each COVID-19-related patient encounter, and to provide those data to the Oregon Health Authority (OHA) is being repealed. The authorizing statute (House Bill 4212 [Oregon Laws 2020, Chapter 12, Sections 40–41]), was repealed by House Bill 3159 (Oregon Laws 2021, Chapter 549, Section 6), effective January 1, 2023, rendering OAR 333-018-0011 without force.

Finally, the proposed rule changes would remove COVID-19 from the list of restrictable diseases in food service, healthcare, schools, and children's facilities.

You are invited to review and comment on the proposed rules. **If you wish to present oral testimony, a public hearing will be held remotely by video or teleconference via Microsoft Teams on September 18, 2023, at 3 P.M. PDT. To provide oral testimony during this hearing, please contact publichealth.rules@odhsoha.oregon.gov to receive the link for the Microsoft Teams video conference. Alternatively, you may dial 971-277-2343, phone conference ID 426 140 169# for audio only.**

You may also file written comments before 5:00 P.M. PDT on September 21, 2023, by e-mailing them to the Public Health Division Rules Coordinator at publichealth.rules@odhsoha.oregon.gov.

Written comments may also be sent by regular mail and must be postmarked by 5:00 P.M. PDT on September 21, 2023. Please mail comments to:

OHA, Public Health Division
Brittany Hall, Administrative Rules Coordinator
800 NE Oregon Street, Suite 930
Portland, Oregon 97232

You may also send comments by fax to: (971) 673-1299.

Final rules will be filed after consideration of all comments.

For more details, please see the Notice of Proposed Rulemaking, including the Statement of Need and Fiscal and Racial Impacts, and the full text of the proposed rules at the following website:
www.healthoregon.org/diseasereporting.

If you have any questions or would prefer to be sent a hard copy of the Notice of Proposed Rulemaking, please send an email to publichealth.rules@odhsoha.oregon.gov.

Accessibility Statement: For individuals with disabilities or individuals who speak a language other than English, OHA can provide information in alternate formats such as translations, large print, or braille. Contact the Public Health Division at 971-673-1222, 711 TTY or publichealth.rules@odhsoha.oregon.gov.