

OREGON ADMINISTRATIVE RULES
OREGON HEALTH AUTHORITY, PUBLIC HEALTH DIVISION
CHAPTER 333

DIVISION 003

PUBLIC HEALTH PREPAREDNESS

333-003-1050

Declared Emergency: Waiver of Rules Applicable to Acute Care Health Care Facilities, Outpatient Renal Dialysis, Hospice, Home Health, Emergency Medical Services, and Hemodialysis Due to Federal 1135 Waivers Approved Under the Federal COVID-19 Declaration of Emergency

(1) This rule applies to:

- (a) Hospitals;
- (b) Ambulatory surgical centers;
- (c) Special inpatient care facilities;
- (d) Outpatient renal dialysis facilities;
- (e) Hospice;
- (f) Home health agencies;
- (g) Emergency medical services providers;
- (h) Ambulance service providers; and
- (i) Hemodialysis technicians.

(2) Under the authority of the President's declaration of a national emergency related to COVID-19, the Centers for Medicare and Medicaid (CMS) have approved temporary modifications and waivers for Oregon (and other states) under Section 1135 of the Social Security Act.

(3) For purposes of this rule, "COVID-19 Emergency Authorities" means the following in effect on the date this rule is adopted:

(a) CMS waivers that apply nationwide, CMS waivers that have been approved for Oregon, and CMS waivers that have been approved for a particular entity or facility in Oregon, of the type listed in section (1) of this rule.

(b) All emergency orders or declarations relating to COVID-19 issued by the Governor of the State of Oregon.

(4) The purpose of this rule is to ensure that the entities listed in section (1) of this rule have the flexibility to provide appropriate and necessary services during the COVID-19 declared emergencies, in accordance with the COVID-19 Emergency Authorities with the goal of reducing adverse impacts from COVID-19.

(5) In order to accomplish the purposes identified in section (4) of this rule, and consistent with the COVID-19 Emergency Authorities, all rules in OAR chapter 333, divisions 027, 035, 071, 076, 250, 255, 265, 275, 500 through 535, and 700 that are inconsistent with the COVID-19 Emergency Authorities are hereby suspended for all entities and facilities covered by the waivers.

(6) The Oregon Health Authority (Authority), as time and resources permit, shall issue guidance concerning the rules affected by this rule.

(7) The Authority shall post any guidance issued under this rule at:

<https://www.oregon.gov/oha/PH/ProviderPartnerResources/HealthcareProvidersFacilities/HealthCareHealthCareRegulationQualityImprovement/Pages/forms.aspx>.

(8) If any of the emergency authorities described in section (2) of this rule are rescinded or terminated by CMS or the Governor, any rule that was suspended based on this rule, is back in effect.

(9) This rule will be suspended when the Governor terminates the declaration of emergency issued on March 8, 2020.

Editor's Note:

The CMS waivers including the following may be found at:

- March 13, 2020 blanket waiver: <https://www.cms.gov/files/document/covid19-emergency-declaration-health-care-providers-fact-sheet.pdf>.
- March 25, 2020 waiver: <https://govstatus.egov.com/OR-OHA-COVID-19>.
- March 26, 2020 provider waiver: <https://static1.squarespace.com/static/5e712c5039792019ff647a40/t/5e7ed359d5037c1157b16618/1585369947488/OR-Oregon+Waiver+Approval+3-26-2020.pdf>.
- On or before March 30, 2020, CMS Blanket Provider Waivers: <https://www.cms.gov/about-cms/emergency-preparedness-response-operations/current-emergencies/coronavirus-waivers>.
- Oregon Health Authority requested waivers: <https://www.oregon.gov/oha/HSD/Medicaid-Policy/Pages/COVID-19.aspx>

The Governor's Executive Orders can be found at:

<https://www.oregon.gov/gov/admin/Pages/executive-orders.aspx>

Stat. Auth.: ORS 413.014, 441.025, 441.086, 443.085, 443.860, 682.017, 688.635 & 688.650

Stats. Implemented: ORS 441.025, 441.086, 443.085, 443.860, 682.017, 688.635 & 688.650