



Date: May 11, 2023

To: Interested Parties

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

Subject: Notices of rulemaking; opportunity for public comment – COVID-19 reporting requirements and COVID-19 vaccination requirements in health care and schools

The Oregon Health Authority, Public Health Division is suspending [OAR 333-019-1010](#), COVID-19 Vaccination Requirement for Healthcare Providers and Healthcare Staff in Healthcare Settings effective May 11, 2023^a, and [OAR 333-019-1030](#), COVID-19 Vaccination Requirements for Teachers and School Staff effective June 17, 2023. Subsequent rulemaking to permanently repeal these rules, as well as amend [OAR 333-018-0016](#), Reporting of COVID-19 Related Test Results, Cases and Deaths, will follow with an anticipated effective date of June 30, 2023.

For more information about these rulemakings, please review the following documents:

- [Temporary Administrative Order PH 28-2023](#), Effective May 11, 2023: Suspension of COVID-19 vaccination requirements for healthcare providers and healthcare staff
- [Temporary Administrative Order PH 29-2023](#), Effective June 17, 2023: Suspension of COVID-19 vaccination requirements for teachers and school staff
- [Notice of Proposed Rulemaking](#): Repeal of some COVID reporting requirements; and of COVID vaccination requirements in healthcare and schools

In addition, under the Administrative Procedures Act, the Oregon Health Authority received a petition to repeal OAR 333-019-1030. Per ORS 183.390, the agency shall invite public comment upon the rule, including on *whether options exist for achieving the rule's substantive goals in a way that reduces the negative economic impact on businesses*. Information on the petition and comment period can be found at <https://www.oregon.gov/oha/PH/RULESREGULATIONS/Pages/index.aspx>.

^a While state-level COVID-19 vaccination requirement for staff in health care settings will be lifted on May 11, 2023, facilities and agencies subject to regulation of the Centers for Medicare & Medicaid Services (CMS) are still required to ensure staff vaccination to comply with federal recommendations. CMS indicated in their Guidance for the Expiration of the COVID-19 Public Health Emergency (PHE), QSO-23-13-ALL (<https://www.cms.gov/files/document/qso-23-13-all.pdf>), issued on May 1, 2023, that new CMS guidance will be issued soon. The current CMS vaccination requirement, as reflected in CMS's Revised Guidance for Staff Vaccination Requirements, QSO-23-02-ALL (<https://www.cms.gov/files/document/qs0-23-02-all.pdf>), issued on October 26, 2022, will remain in place until CMS issues new guidance.

You are invited to review and comment on the proposed rules and the rulemaking petition.

Written comments may be submitted to publichealth.rules@odhsoha.oregon.gov. Comments received by 5:00 PM PDT on May 29, 2023 will be considered for both the petition and the rulemaking, and comments received after 5:00 PM May 29, 2023 until 5:00 PM PDT on June 21, 2023 will be considered for the rulemaking. If you prefer your comment to only pertain to the rulemaking or only the petition, please indicate that in your communication.

Written comments may also be sent by mail to the following address and must be postmarked by the deadlines above:

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

For more information, please visit

<https://www.oregon.gov/oha/PH/RULESREGULATIONS/Pages/index.aspx>.

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

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