



## **COVID-19 Administrative Rulemaking Frequently Asked Questions**

January 2022

### **1. *Why are these rules being made permanent now?***

OHA adopted *temporary* indoor masking, school masking, healthcare provider masking, school and school-based program staff vaccination, and healthcare provider vaccination rules. Temporary rules are only valid for 180 days. To continue the requirements for at least some period of time, OHA has to go through a permanent (regular) rulemaking process.

### **2. *What is the difference between a statute and an administrative rule?***

A statute is a law adopted by the Legislature and signed into law by the Governor. A rule is a law adopted by a state agency based on authority granted by the Legislature.

### **3. *Can a temporary rule be extended?***

No. A temporary rule may not be renewed to give it effect for more than 180 calendar days. ORS 183.335(6)(a).

### **4. *Can a permanent rule be repealed? How long does a repeal take?***

OHA could file a temporary rule repealing the requirements included in the permanent COVID-19 proposed rulemakings, in which case the repeal would be immediate. Also, the state health officer or the state public health director can issue an order stating that the rule isn't in effect, and this also would be immediate.

## **5. What are the public notice requirements for administrative rulemaking?**

The Oregon Administrative Procedures Act requires that before an agency adopts a rule it must give notice of its intended action by:

- Providing a reasonable opportunity for interested persons to be notified of the agency's proposed action;
- Posting notice in the Secretary of State's bulletin at least 21 days prior to the effective date;
- Providing notice at least 28 days before the effective date, to persons who have requested notice under [ORS 183.335\(8\)](#); and
- Delivered only by electronic mail, at least 49 days before the effective date, to the persons specified in [ORS 183.335\(15\)](#).

Notice was filed for all three sets of COVID-19 permanent rulemakings on December 10, 2021, and interested parties were notified at that time. To view the notices, please visit

<https://www.oregon.gov/oha/ph/rulesregulations/Pages/index.aspx>.

## **6. How do I find out about public health administrative rulemaking?**

You can view all notices of proposed public health rulemakings at

<https://www.oregon.gov/oha/ph/rulesregulations/Pages/index.aspx>.

## **7. How do I submit comments about proposed COVID-19 permanent administrative rules?**

You can submit written comments about any of the three COVID-19 permanent administrative rulemakings to

[publichealth.rules@dhsoha.state.or.us](mailto:publichealth.rules@dhsoha.state.or.us) by January 24, 2022, at 5:00 p.m.

These rulemakings include:

- OAR 333-019-1010, 1011: Masking and vaccination requirements to control COVID-19 in health care settings
- OAR 333-019-1015, 1030: Masking requirements in Schools; Vaccination Requirements for Teachers and School Staff
- OAR 333-019-1025: Adoption of a rule requiring masks to be worn in indoor spaces in Oregon

**8. How do I sign up for notifications of future Public Health Division administrative rulemakings?**

You can email [publichealth.rules@dhsoha.state.or.us](mailto:publichealth.rules@dhsoha.state.or.us) to sign up to receive notification of proposed rulemakings.

Document accessibility: 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 COVID-19 Communications Unit at 1- 971-673-2411, 711 TTY or [COVID19.LanguageAccess@dhsoha.state.or.us](mailto:COVID19.LanguageAccess@dhsoha.state.or.us)