

DATE: July 14, 2023

TO: Public Commenters –
Oregon Administrative Rules chapter 333, division 18

- Reporting of COVID-19- Related Test Results, Cases and Deaths

Oregon Administrative Rules chapter 333, division 19

- COVID-19 Vaccination Requirement for Healthcare Providers and Healthcare Staff in Healthcare Settings
- COVID-19 Vaccination Requirements for Teachers and School Staff

FROM: Brittany Hall, Administrative Rules Coordinator

SUBJECT: Report on Rulemaking Public Comment Period

Public Comment Report

Purpose of public comments: To receive public comment regarding the Oregon Health Authority's (OHA) proposed amendment of OAR 333-018-0016 related to COVID-19 reporting requirements; and repeal of OAR 333-019-1010 and 333-019-1030 related to requiring of COVID-19 vaccinations for teachers and school staff in K-12 schools and for healthcare providers and staff in healthcare settings. In response to [OHA's Notice of Proposed Rulemaking](#), OHA received more than 300 written public comments before the June 21, 2023, 5:00 p.m. deadline. OHA thanks all Oregonians who provided public comment and appreciates the input they have provided for this rulemaking.

Themes of the written comments are summarized below.

- OHA heard from many commenters that OHA should not require vaccinations for teachers, school staff and volunteers to allow for more support for children in school.

Agency response: As indicated in the [Notice of Proposed Rulemaking](#), OHA proposed to repeal Oregon Administrative Rule (OAR) 333-019-1030, COVID-19 Vaccination

OAR 333-018-0016, 333-019-1010, 333-019-1030
Repeal of some COVID reporting requirements;
and of COVID vaccination requirements
in healthcare and schools
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Requirements for Teachers and School Staff. The rationale for the rule when it was adopted was that COVID-19 was likely to be transmitted in a congregate setting like a school, placing vulnerable children and adults at risk. Requiring school and school-based program staff to be vaccinated enabled safer in-person learning and significantly limited the amount of time students and staff were out sick with COVID-19. Now that immunity from the primary COVID-19 series has been shown to wane over time and routine booster vaccinations are recommended for most people, OHA proposed to repeal the rule. The risk of serious disease caused by circulating variants has decreased significantly. Staying up to date on recommended COVID-19 vaccinations remains the best way for individuals to protect themselves and others from serious COVID-19 illness and related hospitalization.

- OHA heard feedback from commenters that lifting the vaccine requirement for healthcare workers increases risk for those who are immunocompromised or who are already at higher risk for disease.

Agency response: OHA recognizes that some individuals are at higher risk of serious illness from COVID-19 and appreciates the concern that these individuals and their loved ones have about the repeal of the rule. The rationale for the rule when it was adopted was that COVID-19 was likely to be transmitted in a healthcare setting, placing vulnerable individuals at risk. Now that immunity from the primary COVID-19 series has been shown to wane over time and routine booster vaccinations are recommended for most people, OHA proposed to repeal the rule. OHA continues to recommend that individuals, [including healthcare professionals and staff](#), stay up to date on recommended COVID-19 vaccinations and that people who are at increased risk for serious illness (and members of their household) continue to wear a mask when in indoor crowded areas when COVID-19 is circulating at higher levels.

- OHA heard feedback from commenters who believe that the school staff, teacher and volunteer vaccination requirement has affected children’s mental health.

Agency response: As indicated in the [Notice of Proposed Rulemaking](#), OHA proposed to repeal Oregon Administrative Rule (OAR) 333-019-1030, COVID-19 Vaccination Requirements for Teachers and School Staff. The rationale for the rule when it was adopted was that COVID-19 was likely to be transmitted in a congregate setting like a school, placing vulnerable children and adults at risk. Now that immunity from the primary COVID-19 series has been shown to wane over time and routine booster vaccinations are recommended for most people, OHA proposed to repeal the rule. One of the main drivers of student mental health outcomes is disruption to the predictable routine of school days, peer interaction, and

access to meals, health care, and emotional support. An unpredictable school schedule is also disruptive to family economic stability, and the ability of adults in the household to participate in the workforce. Requiring school and school-based program staff to be vaccinated when the vaccinations were most effective at preventing transmission enabled a safer and more stable in-person learning environment and significantly limited the amount of time students and staff were out sick with COVID-19.