

# Electronic Alert

Volume 24, Issue 39

August 6, 2021

---

## New Rules Requiring Vaccination (or Frequent Testing) for Oregon Health Care Personnel

By Nicole Elgin & Amy Angel

On August 4, 2021, Governor Brown directed the Oregon Health Authority (OHA) to adopt new safety and health measures for personnel in healthcare settings. Governor Brown's statement noted: "severe illness from COVID-19 is now largely preventable, and vaccination is clearly our best defense. Vaccination and weekly testing ensure Oregonians can safely access health care and employees can go to work in an environment that maximizes health and safety measures for COVID-19."

On August 5, 2021, OHA issued its temporary rule effective through January 31, 2022. Simply put, the rule requires:

In order to work, learn, study, assist, observe, or volunteer in any healthcare setting healthcare providers and healthcare staff must:

- (a) be fully vaccinated; or
- (b) undergo COVID-19 testing at least weekly, by molecular or antigen detection for any week the provider or staff person intends to be present at a healthcare setting, on a schedule established by the healthcare provider's or healthcare staff person's employer, contractor or responsible party, or in the case of a self-employed healthcare provider, on their own schedule.

Employers of healthcare providers or healthcare staff, contractors, or responsible parties must have a policy for requesting proof of vaccination and required COVID-19 testing for the unvaccinated. Many of the terms in the rule incorporate long definitions and employers should review the definitions to determine if their workplace is covered.

In developing their policy, covered employers should address:

- Requesting and obtaining proof of vaccination;
- Required testing for any covered employee who is unvaccinated or has an unknown vaccination status;
- Maintaining test results and vaccination status (in a separate confidential medical file) for at least two years;
- Process for accommodations;
- Wage and hour issues regarding time spent for vaccination or testing; and
- Covering the cost of testing when required by law.

Full compliance with the rule is required no later than September 30, 2021. Any person violating the rule after that date may face a \$500 civil penalty per day per violation.

*For questions regarding who is covered by this rule, developing a policy, or other compliance issues, please contact Barran Liebman attorney Amy Angel at [aangel@barran.com](mailto:aangel@barran.com).*