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TEMPORARY ADMINISTRATIVE ORDER
INCLUDING STATEMENT OF NEED & JUSTIFICATION

PH 13-2020
CHAPTER 333
OREGON HEALTH AUTHORITY
PUBLIC HEALTH DIVISION

FILED
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ARCHIVES DIVISION
SECRETARY OF STATE
& LEGISLATIVE COUNSEL

FILING CAPTION: Adopting rules related to COVID-19
EFFECTIVE DATE: 03/09/2020 THROUGH 09/04/2020
AGENCY APPROVED DATE: 03/09/2020

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NEED FOR THE RULE(S):

An emerging disease called "COVID-19" caused by a novel strain of coronavirus named "SARS-CoV-2" was detected in China in December 2019 and in the United States January 20, 2020. It has since been identified in at least 19 states, including Oregon. Explicitly making COVID-19 reportable will allow public health officials to isolate cases, investigate possible sources of illness, assess its risk to the public and make appropriate preventive recommendations. Reporting of negative test results will further allow public health officials to assess risk to various demographic groups. Therefore, these temporary rules require laboratories to report both positive and negative tests for COVID-19. The rules will prohibit an individual with COVID-19 from attending or working at a children's facility, school, food service facility or health care facility. The rules also require a school administrator to restrict an individual from attendance or work at a children's facility or school, if the individual had a substantial exposure to someone with COVID-19. The rule will allow removal of restrictions by a statement of the local public health administrator or local health officer that the disease is no longer communicable to others or that adequate precautions have been taken to minimize the risk of transmission. Health care facilities will be required to adopt policies regarding restricting employees with COVID-19 or employees with a substantial exposure to COVID-19.

JUSTIFICATION OF TEMPORARY FILING:

The Authority finds that failure to act promptly will result in serious prejudice to the public interest, the Authority, and Oregonians who may be at risk from COVID-19. These rules need to be adopted promptly so that the Authority and Oregon local public health authorities can quickly respond to, investigate, and institute control measures to slow and stop the spread of the disease. In addition, the rules would prevent individuals with COVID-19 or individuals who have a substantial exposure to COVID-19 from spreading the disease to others in a children's facility, school, food service or health care facility.

DOCUMENTS RELIED UPON, AND WHERE THEY ARE AVAILABLE:

RULES:

333-017-0800, 333-018-0900, 333-019-1000

ADOPT: 333-017-0800

RULE TITLE: Definition

RULE SUMMARY: Adopt OAR 333-017-0800: A definition of "COVID-19" is being added.

RULE TEXT:

For purposes of OAR chapter 333, divisions 17, 18 and 19, "COVID-19" means disease caused by SARS coronavirus 2 (SARS-CoV-2).

STATUTORY/OTHER AUTHORITY: ORS 413.042, 433.004, 433.329, 616.745, 624.080

STATUTES/OTHER IMPLEMENTED: ORS 433.004, 433.332, 433.360, 616.745, 624.380

ADOPT: 333-018-0900

RULE TITLE: What Is to Be Reported and When

RULE SUMMARY: Adopt OAR 333-018-0900: Requires the reporting of a positive or negative test result for COVID-19.

RULE TEXT:

In accordance with OAR chapter 333, division 18:

(1) Health care providers shall report all human cases of COVID-19 within 24 hours (including weekends and holidays) to the local public health administrator. When local public health administrators cannot be reached within the specified time limit, reports shall be made directly to the Oregon Health Authority.

(2) Licensed laboratories shall report:

(a) All test results indicative of and specific for COVID-19 within 24 hours (including weekends and holidays); and

(b) All negative test result for COVID-19 within one local public health authority working day.

STATUTORY/OTHER AUTHORITY: ORS 413.042, 433.004, 433.006

STATUTES/OTHER IMPLEMENTED: ORS 433.004

ADOPT: 333-019-1000

RULE TITLE: Exclusions for COVID-19 At Schools, Children's Facilities, Food Service Facilities and Health Care Facilities

RULE SUMMARY: Adopt OAR 333-019-1000: Requires that cases with COVID-19 and individuals with COVID-19 be excluded from attendance or work in schools or children's facilities, and from work in health care facilities or food service facilities. Requires individuals with a substantial exposure to COVID-19 to be excluded from children's facilities, schools and health care facilities. Requires health care facilities to adopt policies regarding restricting employees with COVID-19 or employees with substantial exposure to COVID-19.

RULE TEXT:

(1) For purposes of this rule:

(a) The definitions in OAR 333-017-0000 and OAR 333-017-0800 apply.

(b) "Communicable stage of COVID-19" means having a positive presumptive or confirmed test of COVID-19.

(c) "School administrator" means the principal or other person having general control and supervision of a school or children's facility.

(2) COVID-19 is added to the list of restrictable diseases in OAR 333-019-0010 and in addition to any requirements under OAR 333-019-0010, to protect the public's health:

(a) A child may not attend a children's facility or school while in a communicable stage of COVID-19 unless otherwise authorized to do so under this rule.

(b) An employee may not work at a children's facility, school, health care facility or food service facility while in a communicable stage of COVID-19.

(3) If notified by a local public health administrator or local public health officer that a child or employee has had a substantial exposure to an individual with COVID-19 and exclusion is deemed necessary by the local public health administrator or local public health officer to protect the public's health, a school administrator shall exclude the child who attends or the employee who works at the school or children's facility.

(4) Exclusion restrictions in sections (2) and (3) of this rule can be removed if a school administrator is informed by the local public health administrator or local health officer that the disease is no longer communicable to others or that adequate precautions have been taken to minimize the risk of transmission.

(5) The infection control committee at each health care facility shall adopt policies to restrict employees with a positive presumptive or confirmed test for COVID-19 or employees who have had a substantial exposure to COVID-19, from work in accordance with recognized principles of infection control. Substantial exposure should be determined by a health care facility in a manner consistent with federal, state and local public health authority guidelines.

(6) For purposes of notification to a school administrator of a school, a local public health administrator or local health officer should, to the extent feasible, provide notification in the following order of precedence, to the applicable:

(a) School district superintendent.

(b) School principal.

STATUTORY/OTHER AUTHORITY: ORS 413.042, 431.110, 433.004, 433.255, 433.260, 433.284, 433.329, 433.332, 616.750, 624.005, 624.080, 624.425

STATUTES/OTHER IMPLEMENTED: 433.004, 431.110, ORS 433.255, 433.260, 624.080, 624.425