



## Healthcare Provider and Healthcare Staff Vaccine Rule FAQs *(Updated 8-27-2021)*

Below are answers to frequently asked questions (FAQ) about Oregon Administrative Rule (OAR) [333-019-1010](#), COVID-19 Vaccination Requirement for Healthcare Providers and Healthcare Staff in Healthcare Settings. These FAQ may be intermittently updated.

**Q: Does the rule apply to dentists and dental care? That is not listed in the definition of healthcare setting.**

**A:** Yes. Dentists in dental offices are subject to this rule. Dentists are healthcare providers and healthcare staff. Dental care is considered physical health care and a dentist clinic is considered a healthcare setting. Dental staff who are working, learning, studying, assisting, observing, or volunteering in the dental clinic providing direct patient care or have the potential for direct or indirect exposure to patients or infectious materials are also subject to the rule.

**Q: What does it mean to be fully vaccinated?**

**A:** Being full vaccinated means having received both doses of a two-dose COVID-19 vaccine or one dose of a single-dose COVID-19 vaccine and at least 14 days have passed since the individual's final dose of COVID-19 vaccine. The two-dose vaccines are Pfizer and Moderna and the one-dose vaccine is Johnson & Johnson.

**Q: Does the rule apply to employees of retail stores with pharmacies like Walgreens or Bi-Mart pharmacy employees?**

**A:** Yes, for pharmacy employees only (including administrative staff that work at the pharmacy) if they are engaged in direct patient care or have the potential for direct or indirect exposure to patients.

**Q: Which disciplines count as healthcare workers?**

**A:** The definition of healthcare provider is intentionally very broad and includes individuals, paid and unpaid, working, learning, studying, assisting, observing or volunteering in a healthcare setting providing direct patient or resident care or who have the potential for direct or indirect exposure to patients, residents, or infectious materials, and includes but is not limited to any individual licensed by a health regulatory board as that is defined in ORS 676.160, unlicensed caregivers, and any clerical, dietary, environmental services, laundry, security, engineering and facilities management, administrative, billing, student and volunteer personnel.

**Q: Are both school based health center staff and school nurses hired by the school required to comply with the rule?**

A: Yes.

**Q: Are healthcare staff working in prison or jail included in this rule?**

A: State owned department of corrections facilities are not subject to this rule. However, the rule does apply to non-state correctional facilities that have healthcare personnel providing healthcare. County and city jails are not exempt from this rule. If the city or county jail has control or responsibility for the activities of healthcare providers or healthcare staff at the jail facility, they are required to comply with the rule.

**Q: Does this apply to licensed in-home care/ home health care workers?**

A: In-home care workers who provide care in an individual private home are not subject to this rule unless the home is otherwise licensed as a facility or home listed in the rule. For example, an in-home care worker providing care at an apartment complex is not subject to this rule. However, an in-home care worker who provides care at a licensed adult foster home, is required to comply with the rule.

**Q: Does the rule apply to staff working 100% remotely?**

A: No, though the Oregon Health Authority encourages all healthcare providers and all eligible Oregonians to get vaccinated in order to protect themselves and others. A healthcare provider who does not provide direct in-person patient care and does not have the potential for direct or indirect exposure to patients, residents, or infectious materials, is not subject to the vaccine requirement in [OAR 333-019-1010](#). However, if a healthcare provider at any time does in-person patient care or, for work purposes, is at a healthcare setting where they do have the potential for direct or indirect exposure to patients, residents, or infectious materials, that provider is required to comply with the rule.

**Q: Are firefighters/EMS/first responders covered under the rule?**

A: All EMS providers are subject to the rule requirements. Under [OAR 333-019-1010](#), an EMS provider including a paramedic falls within the meaning of “healthcare providers and healthcare staff” as they are individuals who work, volunteer, or assist in a healthcare setting providing direct patient care or with the potential for direct or indirect exposure to patients. A healthcare setting includes any place where healthcare is delivered, and would include where an EMS provider provides care, like an ambulance.

**Q: Does the rule apply to Developmental Disability settings?**

A: Many DHS-licensed or regulated facilities are likely covered by this rule. If there are individuals providing direct patient or resident care or have the potential for direct/indirect exposure to patients or residents, and the DHS-licensed facility is a place where healthcare is delivered, then it is subject to the rule unless specifically exempted from the meaning of healthcare setting.

**Q: Does the rule apply to care coordinators or case managers?**

A: If the care coordinator or case manager does not provide any patient care or have the potential for direct or indirect exposure to patients or residents, then no. For example, a case manager who speaks only to patients or residents over the phone and works out of an office and does not provide direct patient care is not subject to this rule requirement. However, if a care coordinator or case manager at any time does in-person patient care or, for work purposes, is at a healthcare setting where they do have the potential for direct or indirect exposure to patients, residents, or infectious materials, that individual is required to comply with the rule. The Oregon Health Authority encourages all healthcare providers and all eligible Oregonians to get vaccinated in order to protect themselves and others.

**Q: Does the rule apply to language pathologists, occupational therapists and audiologists?**

A: Yes, if they work, learn, study, assist, observe, or volunteer in a healthcare setting providing direct patient care or have the potential for direct or indirect exposure to patients, unless they work in a setting that is excluded from the definition of a health care setting, like a state-operated facility, or is providing care in a person's private home and the home is not otherwise licensed, registered, or certified as a facility or home as described in the rule.

**Q: Does this rule apply to healthcare providers and healthcare staff working or providing care in healthcare facilities on tribal lands?**

A: No. This rule does not apply to healthcare settings operated on tribal lands or healthcare providers or healthcare staff operating in those healthcare settings. As sovereign nations, federally-recognized Tribes may adopt their own rules and requirements.

**Q: Are security personnel that work in a healthcare facility covered by this rule?**

A: Yes. Healthcare providers and healthcare staff means individuals, paid and unpaid working, learning, studying, assisting, observing or volunteering in a healthcare setting providing direct patient or resident care or who have the potential for direct or indirect exposure to patients, residents, or infectious materials.

**Q: Does the healthcare worker vaccination rule apply to temporary staff?**

A: Yes. The rule applies to any individual paid and unpaid, working, learning, studying, assisting, observing or volunteering in a healthcare setting providing direct patient or resident care or who have the potential for direct or indirect exposure to patients, residents, or infectious materials, and includes but is not limited to any individual licensed by a health regulatory board as that is defined in ORS 676.160, unlicensed caregivers, and any clerical, dietary, environmental services, laundry, security, engineering and facilities management, administrative, billing, student and volunteer personnel.

**Q: Are Area Agencies on Aging (AAA) caseworkers subject to this rule?**

**A:** If the case manager does not provide any patient care or have the potential for direct or indirect exposure to patients or residents, then no. For example, a case manager who speaks only to patients or residents over the phone and works out of an office and does not provide direct patient care is not subject to this rule requirement. However, if a case manager at any time does in-person patient care or, for work purposes, is at a healthcare setting where they do have the potential for direct or indirect exposure to patients, residents, or infectious materials, that individual is required to comply with the rule. The Oregon Health Authority encourages all healthcare providers and all eligible Oregonians to get vaccinated in order to protect themselves and others.

**Q: Are workers at Behavioral Rehabilitation Service (BRS) facilities for youth that are funded by DHS subject to this rule?**

**A:** Yes.

**Q: Are Traditional Healthcare Workers subject to the healthcare worker vaccination rule and required to get vaccinated?**

**A:** Yes, if traditional healthcare workers fall within the definition of healthcare providers and staff and are working in a healthcare setting.

**Q: What is a health regulatory board as defined by ORS 676.160?**

**A:** Under [ORS 676.160](#), a “health professional regulatory board” means the:

- (1) State Board of Examiners for Speech-Language Pathology and Audiology;
- (2) State Board of Chiropractic Examiners;
- (3) State Board of Licensed Social Workers;
- (4) Oregon Board of Licensed Professional Counselors and Therapists;
- (5) Oregon Board of Dentistry;
- (6) State Board of Massage Therapists;
- (7) State Mortuary and Cemetery Board;
- (8) Oregon Board of Naturopathic Medicine;
- (9) Oregon State Board of Nursing;
- (10) Oregon Board of Optometry;
- (11) State Board of Pharmacy;
- (12) Oregon Medical Board;
- (13) Occupational Therapy Licensing Board;
- (14) Oregon Board of Physical Therapy;
- (15) Oregon Board of Psychology;
- (16) Board of Medical Imaging;
- (17) Oregon State Veterinary Medical Examining Board; and
- (18) Oregon Health Authority, to the extent that the authority licenses emergency medical services providers.

**Q: Are state employees working at state-operated facilities required to get vaccinated?**

**A:** Yes, under the Governor’s [Executive Order 21-29](#).

**Q: What if an individual can provide written proof of history of COVID-19 disease, is that sufficient to meet the vaccination requirement?**

A: No. Proof of history of COVID-19 disease as a substitute for vaccination is not allowed under the rule.

**Q: If a licensed provider refuses to comply, would it affect their license?**

A: Possibly. The provider should check with their licensing board, as that is regulated by individual licensing boards.

**Q: What reporting will be required to ensure compliance?**

A: No active reporting to OHA is required. Documentation must be maintained for at least two years and must be provided to the Oregon Health Authority upon request.

**Q: What types of vaccination proof are acceptable?**

A: Documentation provided by a tribal, federal, state or local government, or a health care provider, that includes an individual's name, date of birth, type of COVID-19 vaccination given, date or dates given, depending on whether it is a one-dose or two-dose vaccine, and the name/location of the health care provider or site where the vaccine was administered. Documentation may include but is not limited to a COVID-19 vaccination record card or a copy or digital picture of the vaccination record card, or a print-out from the Oregon Health Authority's immunization registry.

**Q: How will OHA enforce this rule?**

A: OHA may issue civil penalties to employers of healthcare providers or healthcare staff, contractors or responsible parties who violate any provision of the rule, of \$500 per day per violation.

**Q: Does OHA expect employers to take action if employees do not get vaccinated?**

A: Yes, because after October 18, 2021, it is unlawful for an employer to employ, contract with, or accept the volunteer services of healthcare providers or healthcare staff persons who are working, learning, studying, assisting, observing or volunteering at a healthcare setting unless the healthcare providers or healthcare staff persons are fully vaccinated against COVID-19 or have a documented medical or religious exception.

**Q: By when do healthcare providers and staff have to come into compliance with the rule?**

A: Healthcare providers and healthcare staff have up through October 18, 2021 to come into compliance with the rule. After that date, a health care provider or healthcare staff person may not work, learn, study, assist, observe, or volunteer in a healthcare setting unless they are fully vaccinated or have provided documentation of a medical or religious exception.

**Q: If my employees don't comply and I let them go, does my unemployment coverage go up?**

A: This is not a question that the Oregon Health Authority can answer. You should reach out to the Oregon Employment Department for information about unemployment.

**Q: If an employee is let go for not vaccinating, are they eligible for unemployment?**

A: This is not a question that the Oregon Health Authority can answer. You should reach out to the Oregon Employment Department for information about unemployment.

**Q: How long will this temporary rule be in effect?**

A: Temporary administrative rules usually are in effect for six months from the date they are issued. They can be ended sooner. An agency can also adopt a temporary rule as a permanent rule.

**Q: At a county jail, who is responsible for keeping records, the jail or the county?**

A: Employers, contractors, and responsible parties must maintain proof of vaccination or a request for an exception from every vaccinated provider.

**Q: Is the employer responsible for ensuring vaccination and exception documentation is authentic?**

A: The employer is not required to take additional steps to verify that the documentation of vaccination status is authentic. An employer should consult with their legal counsel if they want to take steps to ensure documentation is authentic.

**Q: What documents/proof are required for a religious or medical exemption?**

A: For a religious exception, an individual must fill out and sign the [COVID-19 Religious Exception Request Form](#). The exception request must be on the basis of a sincerely held religious belief and must include a statement describing the way in which the vaccination requirement conflicts with the religious observance, practice, or belief of the individual.

For a medical exception, an individual and their healthcare provider must fill out and sign the [COVID-19 Medical Exception Request Form](#). The healthcare provider must certify that the individual has a physical or mental impairment that limits the individual's ability to receive a COVID-19 vaccination based on a specified medical diagnosis, and specify whether the impairment is temporary in nature or permanent.

**Q: Where can I access the form that I need to fill out to request a medical or religious exemption from the vaccine requirement?**

A: Individuals can access forms at the following links:

- [COVID-19 Vaccine Medical Exception Request Form](#)
- [COVID-19 Vaccine Religious Exception Request Form](#)

**Q: Are employers liable if they don't enforce the vaccine requirement and an employee gets sick with COVID-19?**

A: Employers should consult with their legal counsel on issues of legal liability. Employers are subject to civil penalties for not complying with the rule.

**Q: Does the vaccination requirement apply to staff who work in the WIC program?**

A: Yes, if WIC staff fall within the definition of healthcare providers and staff and are working in a healthcare setting.

**Q: Can an employer terminate an employee for refusing to comply with the rule?**

A: Employers must follow their existing personnel processes in determining employee discipline issues, including termination decisions.

Further, while employers may generally discipline or terminate an employee who refuses to follow workplace requirements, employers must ensure that any disciplinary action or termination does not run afoul of anti-discrimination laws. Employers may be required to reasonably accommodate individuals who are unable to comply with the law for medical reasons or for sincerely held religious belief, unless the accommodation would create an undue hardship to the employer or a direct threat to the employee or others.

Similarly, an employer may not discipline or terminate an employee who complains about actions that the employee believes violate local, state, or federal laws. While an employer may be able to discipline or terminate an employee who refuses to comply with this rule, an employer may not discipline or terminate an employee for questioning the legality of the rule.

**Q: Are employees required to get vaccinated during their regular work hours? If they have to get vaccinated outside of their work hours, are employers required to pay for the employee's time?**

A: No, the rule does not require covered employees to obtain vaccination during regular work hours, though an employer could offer or require employees to obtain vaccination during the workday. Regarding whether the time for vaccination is compensable, the Oregon Bureau of Labor and Industries has an FAQ that covers this topic, available at <https://www.oregon.gov/boli/workers/Pages/covid-vaccine.aspx>. Finally, additional requirements may apply to employers who are subject to collective bargaining agreements or employment contracts.

**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 Health Information Center at 1-971-673-2411, 711 TTY or [COVID19.LanguageAccess@dhs.oha.state.or.us](mailto:COVID19.LanguageAccess@dhs.oha.state.or.us).