



Building Better Workplaces Through Compliance, Culture, Connection

Temporary Rule on Vaccine Mandate in Healthcare Settings Published

Today, the temporary rule requiring healthcare providers and healthcare staff in healthcare settings to be fully vaccinated [was published](#).

As a reminder, healthcare provider and healthcare staff 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.

The rule specifies that covered individuals in covered healthcare settings must be fully vaccinated by October 18, 2021. Exceptions to this rule may be made for individuals with medical impairments or due to sincerely held religious beliefs that prevent them from receiving the vaccine.

Accordingly, on or before October 18, 2021, covered healthcare providers and healthcare staff must provide their employer, contractor or responsible party with either:

- Proof of vaccination showing they are fully vaccinated; or
- Documentation of a medical or religious exception.

The rule states that a medical exception must be corroborated by a document signed by a medical provider, who is not the individual seeking the exception, certifying 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 that specifies whether the impairment is temporary in nature or permanent.

A religious exception must be corroborated by a document, on a form prescribed by the Oregon Health Authority (OHA), signed by the individual stating that the individual is requesting an exception from the COVID-19 vaccination requirement on the basis of a sincerely held religious belief and including a statement describing the way in which the vaccination requirement conflicts with the

religious observance, practice, or belief of the individual. OHA does not currently have this form available.

If such an exception is requested, employers have an obligation to consider reasonable accommodations and also take reasonable steps to ensure that unvaccinated healthcare providers and healthcare staff are protected from contracting and spreading COVID-19. This analysis should be done on a case by case basis in light of the individual's specific job requirements. Potential accommodations include but are not limited to:

1. Working a modified shift or schedule;
2. Requiring periodic tests for COVID-19; please note that periodic testing, such as weekly testing, is only an option as a potential accommodation due to a medical or religious exception. It is not an option outside of those exceptions.
3. Remote work;
4. Being reassigned;
5. Requiring face masks and shields;
6. Modifying working areas;
7. A combination of these options

If no reasonable accommodations are available, some employees could face termination.

On or before October 18, 2021, all employers of healthcare providers or healthcare staff, contractors, and responsible parties must have documentation that all covered staff are in compliance with the rule.

The rule also clarifies that covered employers may have more strict requirements in place, including requiring booster shots if such is recommended by the CDC as well as imposing a vaccine requirement before the October 18th deadline.

It is worth noting that fully 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. This means individuals that are not currently vaccinated do not have much time to meet this compliance deadline with a two-dose vaccine.

This rule is in effect through January 31, 2022.

Cascade is actively monitoring this situation and will keep you updated with any new information.



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