

Electronic Alert

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OHA Rules for Schools & Healthcare Settings

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Updated 08/27/21: The Oregon Health Authority released new FAQs [available here](#) concerning the vaccine requirement for schools and school-based programs.

The Oregon Health Authority released rules concerning the COVID-19 vaccination requirements for healthcare workers and K-12 teachers and staff. The rules detail who the vaccination requirement applies to and the process for requesting a medical or religious exception. Workers who fall under the rules must provide their employer, contractor, or responsible party with either proof of vaccination (must be fully vaccinated) or documentation of a medical or religious exception by October 18, 2021.

Healthcare Workers

The vaccine requirement applies to healthcare personnel in healthcare settings. The rule defines “healthcare personnel” broadly to include unpaid workers such as those who are learning, studying, assisting, observing, or volunteering, or anyone “who has the potential for direct or indirect exposure to patients, residents, or infectious materials.” The rule defines “healthcare setting” to include facilities such as residential behavioral health facilities, adult foster homes, group homes, pharmacies, alternative medicine providers such as acupuncture or naturopathy, and even vehicles or temporary sites where healthcare is delivered such as mobile clinics and ambulances.

The rule excludes from the definition of healthcare setting an individual’s private home where the individual directly contracts with healthcare staff, as long as the individual’s home is not a licensed or registered healthcare facility.

Schools & School Programs

The vaccine requirement applies to teachers and school staff in schools or school-based programs. This includes public, private, charter, and alternative schools that provide any type of K-12 program. Covered school-based programs include any program serving children or students that takes place in school facilities. However, standalone preschool programs (including those offering kindergarten) are not covered by the rule.

School staff is defined broadly to include those not employed but who are “providing goods or services to schools through a formal or informal agreement.” This includes paid and unpaid personnel and volunteers, including but not limited to administrative staff, cleaning staff, coaches, school bus drivers, family volunteers, and substitute teachers. The rule defines school-based program staff to include all the same categories of workers as schools, but it also includes child care staff, drivers, and

family volunteers.

Short-term visitors, individuals making deliveries, and school board members (unless they are also volunteering in schools) are excluded from the rule.

Medical & Religious Exception Form

The medical and religious exception forms can be found on the OHA website. The medical exception form requires a signature by a medical provider (other than the person who is requesting the exception) and must list the individual's physical or mental impairment that prevents the individual from receiving the vaccination based on a specific medical diagnoses and whether it is permanent or temporary.

The religious exception form requires the individual to describe their sincerely held religious belief and how it affects their ability to receive a COVID-19 vaccination. No corroborating signature from a religious organization is required.

Employer Responsibilities

Employers and other responsible parties are required to maintain vaccination documentation and documentation of medical and religious exceptions in accordance with applicable federal and state laws for a period of at least two years, and must provide copies to the OHA upon request.

Employers or other responsible parties who violate any provision of the rule are subject to penalties of up to \$500 per day per violation.

Employer Discretion to Implement Additional COVID-19 Precautions

The medical and religious exception forms indicate that employers and responsible parties may take additional precautions to safeguard the workplace from COVID-19. Specifically, the forms state that workplaces are not required to grant accommodations when doing so presents a direct threat to others in the workplace or where the accommodation creates an undue hardship for the employer.

For questions regarding vaccination requirements or for any other questions related to COVID-19 in the workplace, contact Amy Angel or Sarah Hale at 503-228-0500, or at aangel@barran.com or shale@barran.com.

NOW, NEXT, & BEYOND: Barran Liebman's E-Alert series covering the COVID-19 pandemic, helping employers identify what they need to do **now**, next, and beyond to stay in compliance, be responsive to employees, and best position their business for the future. For past E-Alerts and other COVID-19 resources, visit our "Navigating Coronavirus in the Workplace" page [here](#).