

Electronic Alert

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Oregon OSHA Updates its COVID-19 Rule to Include Medical Relief Benefits for Healthcare Workers

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Beginning today, September 16, 2021, Oregon OSHA's updated COVID-19 rule goes into effect which adds a Medical Relief Benefit for eligible workers in healthcare settings. OR-OSHA made this change to align its COVID-19 rule with federal OSHA standards, which require the state's rules to be "at least as effective as" the federal standard.

The Medical Relief Benefit provides some financial relief for eligible healthcare workers when they are unable to work due to the quarantine and isolation provisions of Oregon OSHA's COVID-19 rule.

Who is Eligible?

Except as listed below, employees engaged in direct patient care or in direct support of such care are eligible for medical protection benefits. Those in direct support of care include employees engaged in patient intake or admission, patient food services, equipment and facility maintenance, housekeeping services, healthcare laundry service, medical waste handling services, and medical equipment cleaning or reprocessing services. They do not include employees in office or administrative functions that do not involve any contact with patients or patient care spaces, such as bookkeeping, payroll, or accounting services.

The benefits do not apply to the following:

- Employers with ten or fewer employees;
- Employees whose COVID-19 illness or quarantine cannot reasonably have resulted from a workplace exposure;
- Individuals who are not fully vaccinated or have a medical or religious exception;
- Employees who provide first aid if they are not a healthcare provider;
- Pharmacists who dispense prescriptions in retail settings;
- Non-hospital ambulatory care settings where all non-employees are screened prior to entry and individuals with suspected or confirmed COVID-19 are not permitted to enter;
- Well-defined ambulatory care settings within hospitals where all employees are fully vaccinated, all non-employees are screened prior to entry, and people with suspected or confirmed COVID-19 are not permitted to enter those settings;
- Home healthcare settings where all employees are fully vaccinated and all non-employees are screened prior to entry and people with suspected or confirmed COVID-19 are not present;
- Healthcare support services not performed in a healthcare setting (off-site laundry, off-site food preparation, etc.); and
- Telehealth services performed outside of a setting where direct patient care occurs.

What are the Benefits?

The new rules provide a paid benefit in situations where an employee is exposed to COVID-19. Additionally, the employer must continue to provide the benefits (including healthcare benefits) to which the employee would normally be entitled when working.

The amount of the paid benefit depends on the size of the employer:

- If the employer has 500 or more employees, then the employer must pay the same regular (non-overtime) pay the employee would have received had the employee not been absent from work, up to \$1,400 a week, until the employee is able to return to work; or
- If the employer has fewer than 500 employees, then the employer must pay the same regular pay the employee would have received, up to \$1,400 a week, for the first two weeks, after which the employer may reduce the benefit to two-thirds of the employee's regular pay, up to \$200 per day, until the employee is able to return to work.

Employers may reduce the amount of the paid benefit by the amount the employee receives from other sources, including workers' compensation, paid sick leave, administrative leave, or other employer-provided leave that does not carry a cash value. However, the employer cannot take these other sources into account until the employee has actually received them.

It is important for employers who have employees engaged in direct patient care or in direct support of such care to be aware of this benefit, and evaluate whether any employee who has a COVID-19 exposure could have reasonably been exposed in the workplace.

For any questions about OSHA's COVID-19 rule, contact Amy Angel or Wilson Jarrell at 503-228-0500, or at aangel@barran.com or wjarrell@barran.com.

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