TEMPORARY ADMINISTRATIVE ORDER
INCLUDING STATEMENT OF NEED & JUSTIFICATION

HLO 6-2020
CHAPTER 331
OREGON HEALTH AUTHORITY
HEALTH LICENSING OFFICE

FILING CAPTION: What will happen if authorization holders don't comply with state of emergency guidance.

EFFECTIVE DATE: 05/15/2020 THROUGH 11/10/2020

AGENCY APPROVED DATE: 05/15/2020

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NEED FOR THE RULE(S):
HLO has received many inquiries as to requirements licensees must follow and that there has been at least one recent instance of a licensee publicly advocating noncompliance with current executive orders.

JUSTIFICATION OF TEMPORARY FILING:
(1) Failure to immediately adopt the rule may will clarify what will happen if authorization holders don't follow guidelines to reduce the transmission of COVID-19. (2) If COVID-19 transmissions increase, so does the public health threat the state of emergency aims to lessen. (3) Noncompliance with executive orders and applicable guidance during the COVID-19 crisis is detrimental to the best interests of the public, and the rule is needed to inform licensees of conditions of practice, guide licensees, and clarify that disciplinary action will be taken. (4) Authorization holders will know that compliance with requirements during the COVID-19 crisis is not an option.

DOCUMENTS RELIED UPON, AND WHERE THEY ARE AVAILABLE:
2017 Oregon Revised Statutes and Oregon Governor Executive Order 20-12; available through the Oregon Legislature and the Health Licensing Office; executive orders are available on Gov. Kate Brown's website and through the Health Licensing Office.

ADOPT: 331-020-0078

RULE TITLE: COVID-19 Compliance with Executive Orders and Guidance Required

RULE SUMMARY: Rule outlines the consequences of failing to follow the requirements of a delayed state of emergency.

RULE TEXT:
In the event of a disaster or emergency declared by the Governor of Oregon and during the declared disaster or emergency, unprofessional conduct under ORS 676.612, includes, but is not limited to, failure to comply with an Executive Order issued by the Governor or failure to comply with state agency guidance applicable to the time and location where the authorization holder performs services.
STATUTORY/OTHER AUTHORITY: ORS 676.565, ORS 676.568(1)(o), (2), ORS 676.615(1), (2)
STATUTES/OTHER IMPLEMENTED: ORS 676.568(1)(e), (i), (k), (o), (2), ORS 676.612, ORS 676.992