

**MEMORANDUM**

DATE: August 26, 2021

RE: OHA Issues Replacement Rule About Healthcare Employee Vaccinations

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Earlier this month we notified you of an Oregon Health Authority temporary rule that requires healthcare employees to be either fully vaccinated or undergo weekly testing. Yesterday the OHA issued a [replacement rule](#) that supersedes the initial version. While the new rule is similar to the prior version in certain respects, there are important changes, including the following:

- The deadline for full compliance has been extended from September 30 to October 18, 2021, although employers can impose vaccination requirements at an earlier date.
- Testing is no longer an option. In order to continue working in a healthcare setting, employees must either provide proof that they are fully vaccinated or qualify for a medical or religious exemption.
- The rule specifies what is required to satisfy the medical and religious exemptions.
- If an employee requests an exemption, an employer can request written verification, but must do so using [OHA exemption forms](#).
- Employers must reasonably accommodate employees who qualify as exempt while also protecting all employees from contracting or spreading COVID-19.
- The rule no longer requires a written vaccination policy, although we strongly recommend that employers adopt one.
- Vaccination and exemption records must be retained for a minimum of two years.
- Employers and employees who fail to comply with the rule remain subject to civil penalties of \$500 per day.

Also, the Oregon Employment Department has “unofficially” signaled that employees who lose their jobs because they refused to get vaccinated and did not qualify for an exemption will not be eligible for unemployment benefits.

The new vaccination rules are a moving target with lots of nuances that, if ignored, could inhibit your ability to gain compliance by the October 18, 2021 deadline. Accordingly, we encourage you to establish a plan without delay, and we’re here to help as needed.

For more information, please contact our attorneys, [Amanda Walkup](#), [Andy Lewis](#), [Mario Conte](#) [Jeff Kirtner](#).

*This summary provides general information and should not be construed as legal advice or a legal opinion on any specific facts or circumstances. If you have specific legal questions, you are urged to consult with your attorney concerning your own situation.*