

## **NOTICE OF PROPOSED RULEMAKING**

CHAPTER 811

BOARD OF CHIROPRACTIC EXAMINERS

FILING CAPTION: To address the references rule effectiveness and applicability.

LAST DAY AND TIME TO OFFER COMMENT TO AGENCY: 09/16/2021 AT 8:35 AM

HEARING(S):

DATE: 09/16/2021

TIME: 8:30 AM - 3:30 PM

OFFICER: Mackenzie Purnell

ADDRESS: TBD

Zoom and Telephone

Open to public

All, OR 97301

SPECIAL INSTRUCTIONS:

Zoom and Telephone access will be posted on public agenda on agency website

NEED FOR THE RULE(S):

To address the references to the COVID 19/pandemic and a declared emergency for rule effectiveness and applicability.

DOCUMENTS RELIED UPON, AND WHERE THEY ARE AVAILABLE:

OAR Ch. 811, [www.oregon.gov/obce](http://www.oregon.gov/obce)

FISCAL AND ECONOMIC IMPACT:

No direct fiscal impact

COST OF COMPLIANCE:

(1) Identify any state agencies, units of local government, and members of the public likely to be economically affected by the rule(s). (2) Effect on Small Businesses: (a) Estimate the number and type of small businesses subject to the rule(s); (b) Describe the expected reporting, recordkeeping and administrative activities and cost required to comply with the rule(s); (c) Estimate the cost of professional services, equipment supplies, labor and increased administration required to comply with the rule(s).

No cost associated for compliance.

DESCRIBE HOW SMALL BUSINESSES WERE INVOLVED IN THE DEVELOPMENT OF THESE RULE(S):

5 of our board members who will be reviewing and voting on this rule are licensed chiropractic physicians and some either own or work for small businesses.

WAS AN ADMINISTRATIVE RULE ADVISORY COMMITTEE CONSULTED? NO IF NOT, WHY NOT?

Review of rule effectiveness and applicability.

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AMEND: 811-035-0007

RULE TITLE: Facial Covering Requirements

RULE SUMMARY:

RULE TEXT:

(1) Due to the COVID-19/Coronavirus pandemic and associated declared state of emergency in Oregon, effective immediately, all licensed chiropractic physicians, certified chiropractic assistants, and preceptor chiropractic interns are required to do the following:

(a) All chiropractic entities must have policies in place requiring all individuals to wear face coverings while in the building and treatment areas;

(b) All licensed chiropractic physicians, certified chiropractic assistants, and preceptor chiropractic interns are required to wear a face coverings (that cover the nose and mouth) at all times while providing patient care. Medical grade masks should be prioritized, as they offer both source control and protection from potentially infectious droplets, splashes, or sprays;

(c) Licensees and certificate holders shall utilize proper hand sanitization and appropriately disinfect treatment room surfaces and equipment that comes into contact with patients; and

(d) Licensees and certificate holders may consider the addition of eye protection during patient care.

(2) Face coverings are defined as facemasks, facial shields, medical grade masks, and face coverings that are used in a medical setting.

(3) In regards to face covering requirements, the chiropractic entity should review state and federal disabilities laws, including the Americans Disabilities Act (ADA) which protects people with disabilities from discrimination in employment and requires employers to engage in the interactive process, for accommodations to be made. In addition, please refer to the Governor's Executive Orders and OHA public health guidance.

(4) Failure to abide by the requirements of this rule may result in disciplinary action by the Board.

(5) This rule shall remain in effect so long as an associated declared state of emergency is in effect. When the declared state of emergency is not in effect, this rule will not be effective.

**Statutory/Other Authority:** ORS 684

**Statutes/Other Implemented:** ORS 684.155