



Oregon OSHA COVID-19 Workplace Advisory Memo (11.25)

“Application of COVID-19 Rule to Direct Patient Care within Retail Pharmacies”

The recently adopted [Oregon OSHA Temporary COVID-19 rule](#) includes a distinction between the rules for all workplaces and those additional requirements that apply to work activities defined as involving “exceptional risk.” One of the triggers for exceptional risk is “direct patient care.” The rule’s definition of “direct patient care” includes the following statement: “Direct patient care does not include customer service activities provided in retail settings that have embedded healthcare offices, such as retail pharmacies.” While that language clearly excludes all activities in a retail pharmacy that do not directly involve the treatment of patients, it does *not* exclude the provision of services such as vaccinations. However, in the interest of ensuring that the rule does not discourage vaccinations and any health screening services provided by retail pharmacies or similar establishments, Oregon OSHA will not be enforcing most of the “exceptional risk” requirements found in Subsection 4 of the temporary rule in relation to such activities.

- Such activities **will not** be subject to the requirements of 4(a) or 4(b) of the rule, but will remain subject to the training requirements found in 3(i).
- Such activities **will not** be subject to the requirements of 4(c) of the rule, but will remain subject to the infection control plan requirements found in 3(h).
- Such activities **will** be subject to the requirements of 4(d) of the rule, as well as the sanitation requirements of 3(c) of the rule.
- Such activities **will** be subject to the general requirements of 4(e) of the rule regarding the need to identify appropriate personal protective measures, but they are not subject to the specific requirements of 4(e)(A), 4(e)(B), or 4(e)(C) by the plain language of the rule.
- Such activities **will not** be subject to the requirements of 4(f) of the rule, but will remain subject to the ventilation requirements found in 3(f).
- Such activities **will not** be subject to the requirements of 4(g) of the rule, relying instead on the risk assessment conducted under 3(g) to identify the need for any appropriate barriers.
- Such activities **will not** be subject to the requirements of 4(h)(A) of the rule, but **will** be subject to the screening requirements of 4(h)(B).
- Such activities **will** be subject to 4(i) and its potential modification of the medical removal requirements of (3)(l) allowing a worker to remain on the job as indicated by Oregon Health Authority guidelines.