

House Bill 4212 Rulemaking and Implementation Fact Sheet

Sections 40-43 of [House Bill 4212 \(2020\)](#) require the Oregon Health Authority (OHA) to adopt rules requiring health care providers to collect REALD data for all COVID-19 encounters and report this data to OHA if the healthcare provider is required to report under Oregon’s disease reporting rules.

Providers are not required to collect and report this data if they:

- Previously collected and reported the data within the last year; or
- Know that another health care provider has collected and reported the data within the last year; or
- Know that the patient has provided this data directly to OHA within the last year.

Data collection requirements

At the time of an encounter, or as soon as possible thereafter, health care providers must collect data on race, ethnicity, preferred spoken and written language, English proficiency, interpreter needs and disability status in accordance with Oregon Administrative Rule (OAR) [Chapter 943, Division 70](#).

To learn more about REALD data collection requirements, [visit OHA's REALD page](#).

Data reporting requirements

Until October 1, 2021, providers must report the data to OHA at the time a COVID-19 test is ordered or when reporting COVID-19 information as required in OAR [333-018-0016](#):

- Through online reporting at www.healthoregon.org/howtoreport; or
- By facsimile but only if online reporting is not operable; or
- Through direct electronic case reporting, or another means, if approved by OHA; or
- To a clinical laboratory that can submit the data at the time COVID-19 test results are reported.

On or after October 1, 2021, health care providers must report the data by submitting an Electronic Initial Case Report (eICR) in accordance with OHA’s Electronic Case Reporting (eCR) Manual.

To learn more about disease reporting requirements, [visit Oregon’s Disease Reporting website](#).

Rulemaking and implementation timeline

The rulemaking and implementation timeline for House Bill 4212 REALD data collection and reporting requirement is shown below. Providers who are subject to, but unable to meet the Phase 1 or Phase 2 provider timelines may request an extension by submitting a written request to OHA. The OHA may, at its discretion, grant or deny an extension.

Date	Activity
August 28 – September 15, 2020	OHA held 3 Rules Advisory Committee (RAC) meetings for rules effective Oct. 1, 2020
September 25, 2020	OHA files temporary rules (effective 10/1/2020, up to 180 days).

Date	Activity
October 1, 2020	<p>Phase 1: The following health care providers begin collection and reporting of REALD data in accordance with current (2014) REALD standards and Oregon Disease Reporting rules:</p> <ul style="list-style-type: none"> • Hospitals except for licensed psychiatric hospitals. • Health care providers within a health system. • Health care providers working in a federally qualified health center.
Late October/ Early November 2020	<p>OHA holds Rules Advisory Committee meeting to discuss permanent rule filing for REALD rules, to include:</p> <ul style="list-style-type: none"> • Impact on state agencies, units of local government and the public • Cost of compliance effect on small business¹ (ORS 183.336): • Enforcement process • Notable/outstanding implementation issues
November 1, 2020	<p>Phase 1 health care providers begin collection of REALD data in accordance with updated (2020) REALD standards</p>
December 31, 2020	<p>OHA, ODHS and health professional regulatory boards may begin enforcement by any means permitted under law.</p>
January 2021	<p>OHA files Notice of Proposed Rulemaking for permanent REALD rules, opening public comment period</p>
Week of January 25, 2021	<p>OHA holds rulemaking hearing</p>
Feb. 28, 2021	<p>Rulemaking comment period ends</p>
No later than March 30, 2021	<p>OHA files permanent REALD rules</p>
March 1, 2021	<p>Phase 2: The following providers begin collection and reporting of REALD data in accordance with 2020 REALD standards and Oregon Disease Reporting rules:</p> <ul style="list-style-type: none"> • Health care facilities. • Health care providers working in or with individuals in a congregate setting.
October 1, 2021	<p>All health care providers must collect and report REALD data in accordance with the REALD standards.</p>

¹ Note: The statute defines small business in ORS 183.310 (10)(a) as follows:

(a) "Small business" means a corporation, partnership, sole proprietorship or other legal entity formed for the purpose of making a profit, which is independently owned and operated from all other businesses and which has 50 or fewer employees.

(b) "Small business" does not include a coordinated care organization as defined in ORS 414.025. [1957 c.717 §1; 1965 c.285 §78a; 1967 c.419 §32; 1969 c.80 §37a; 1971 c.734 §1; 1973 c.386 §4; 1973 c.621 §1a; 1977 c.374 §1; 1977 c.798 §1; 1979 c.593 §6; 1981 c.755 §1; 1987 c.320 §141; 1987 c.861 §1; 2003 c.75 §71; 2005 c.523 §8; 2007 c.288 §9; 2019 c.529 §4]