

State Update

Masks required indoors

Earlier today, Governor Kate Brown [announced](#) a statewide outdoor mask requirement in an effort to stem the spread of the delta variant. Effective on Friday, August 27, the new Oregon Health Authority (OHA) rule applies to "public outdoor settings, including large outdoor events, where physical distancing is not possible, and regardless of vaccination status." The OHA also strongly encourages masking in private outdoor settings as well.

State epidemiologist Dr. Dean Sidelinger spoke to the highly contagious nature of the delta variant: "It is much easier for people with the Delta variant, compared to people who were sick last year, to infect others around them. This is because they have one thousand times more virus in their nose – which means that those around them are much more likely to get sick because this variant behaves so differently. We are starting to see instances where cases are clustering around events, like outdoor music festivals, that happen outdoors."

On August 24, 2021, Oregon Governor Kate Brown [announced that](#) masks will be required in outdoor settings in which individuals from different households are unable to consistently maintain physical distance. The rule does not apply to fleeting encounters, such as two individuals walking by one another on a trail or in a park. While the rule does not apply to outdoor gatherings at private residences, masks are strongly recommended in those settings when individuals from different households do not consistently maintain physical distance.

Exceptions to the rule include:

- Children under 5 years old;
- Individuals who are actively eating, drinking, or sleeping — as well as individuals living outdoors, such as persons experiencing homelessness;
- Persons playing or practicing competitive sports, or engaged in an activity in which it is not feasible to wear a mask — such as swimming;
- Individuals delivering a speech or performing — such as with outdoor music or theater;
- Mask requirements for day-to-day operations at K-12 schools are not governed by this rule, and will instead continue to fall under the school mask rule. Outside public events, spectator events, and gatherings of the general public on K-12 school grounds will be subject to the rule. Child care and youth programs will continue to follow existing OHA mask guidance; and
- In addition, entities subject to the ADA must continue to comply with that law.

The mandate goes into effect this Friday, August 27th. The Oregon Health Authority (OHA) is expected to issue rules later this week.

Individuals or entities responsible for public spaces must post signage about the new requirement and ensure compliance.

New health care worker vaccination requirement

Oregon's redistricting process moves forward

Last week, the legislators on the redistricting committees in both chambers [received an update](#) from the Office of Legislative Counsel (LC) and the Legislative Policy and Research Office (LPRO). Dan Gilbert from LC first gave an [overview](#) on requirements as specified by the U.S. Constitution, the Oregon Constitution, and Oregon statute.

Of particular interest, Gilbert discussed the intricacies about when residency deadlines change for candidates in the 2022 election. In general, it is normal for candidates seeking election in the year following reapportionment to

campaign to a new district community even though the districts might not be operational quite yet. However, the Oregon Supreme Court has given an updated timeline for residency requirements in case of legal challenges. According to Oregon statute, the redrawn districts would become fully operative on January 9, 2023, however this year is an exception, with the operative date being January 1, 2022, unless there are legal challenges. In that case, the Oregon Supreme Court has given successive dates depending on what happens in terms of those legal challenges.

Following Gilbert, Kevin Rancik from LPRO then [presented](#) on census data that was recently released. As we previously reported, Oregon's population grew enough over the past ten years to add a congressional district. The target population for each congressional district is roughly 706,000. All five of our current districts have too many people in them to fall in line with that target average.

None of our Oregon Senate and House districts shrunk, so they will all need to be rebalanced to meet the target average population (about 141,000 for Senate districts and 70,000 for House districts). The Senate districts that were the fastest growing were those that include Bend, Salem, and the western suburbs of Portland. Similarly, House districts that grew the most were situated around Bend and Portland's western suburbs.

The committee members then received a brief training on how to use the map-drawing software from Allison Daniel of LPRO. Feel free to dig in for yourself by watching the training videos on the [Legislature's redistricting website](#).

Things will move very quickly after the release of the first legislatively drawn maps on September 3. The committees will meet to discuss these maps, and then hold a series of public hearings starting on September 8. Due to the recent surge in COVID-19 cases, the presiding officers [announced this morning](#) that all redistricting public hearings will take place virtually. A special session is set for September 20, since the legislature will need to provide their maps by September 27. If they do not complete the process at that point, the work would fall to Secretary of State Shemia Fagan to complete.

Regulatory

340B

The first-ever comprehensive 340B pick-pocketing bill – [H.R. 4390, the PROTECT 340B Act of 2021](#) – was introduced in the U.S. House on July 9, 2021. If enacted, this bill would prohibit PBMs and insurers from taking CHCs' 340B savings on drugs dispensed to patients with private insurance and Medicare. It builds on laws enacted in 15 states (including Oregon), expanding their protections to Medicare Parts C & D plans, and to all 50+ states. You can help OPCA by [sending an email](#) asking your member(s) of Congress to co-sponsor the PROTECT 340B Act of 2021.

Capitol Hill

House Appropriations

On July 29, the House passed a minibus appropriations bill which includes \$1.8 billion for the Health Center Program, an increase of \$148 million from FY21. Democrats and Republicans continue to disagree on the amount of funding in the package and the lack of inclusion of the [Hyde Amendment](#). This could lead to issues for passage of the “minibus” in the Senate.

House Moves to Make Telehealth Permanent

Reps. Glen “GT” Thompson (R-PA) and G.K. Butterfield (D-NC) introduced the HEALTH Act of 2021 (H.R. 4437) which would make telehealth flexibilities permanent under the Medicare program past the Public Health Emergency (PHE), allowing health centers to keep current policies which also include extending audio-only.

Senate Infrastructure Bill

On Sunday, August 1, Senators Kyrsten Sinema (D-AZ), and Rob Portman (R-OH), with a larger group of bipartisan negotiators introduced the \$1.2 trillion bipartisan infrastructure bill. This package includes spending over five (5) years for public transit, clean drinking and wastewater projects as well as highways/roads, broadband, and electric grid upgrades.

The bill is silent on health care but includes small grant opportunities for health centers (e.g., broadband funding). This bill will need to pass the Senate along with a Budget Resolution before becoming law. Senate Majority Leader Chuck Schumer (D-NY) has said there will be no Senate recess until both bills are passed.

Help Make the Case for CHC Infrastructure Funding

Input Needed on Infrastructure Call for Information: Please respond to this [call for information](#) to help us demonstrate the importance of federal infrastructure investment as CHCs tackle the burden of an increasing patient base. We know you are busy, but this advocacy is critical. We are asking members of Congress to prioritize infrastructure funding for health centers. Your answers will help us show Congress how health centers would utilize additional federal infrastructure funding. If you have any questions, please contact Marty Carty at mcarty@orpca.org