



OFFICE OF THE DIRECTOR

Kate Brown, Governor

Oregon
Health
Authority

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In the Matter of Atlas Investments, LLC

**ORDER TO PERMIT
SCREENING ACTIVITIES**

The Oregon Health Authority (OHA) finds that to respond to the public health emergency presented by the novel coronavirus disease (COVID-19), it is necessary to direct Atlas Investments, LLC (AI, LLC) to permit American Family Care Urgent Care (AFC Urgent Care) to conduct screening activities in the parking lot adjacent to the facility. Therefore, OHA finds and orders the following:

BACKGROUND

1. In Oregon, there are more than 1,000 cases of COVID-19, a communicable respiratory disease that may cause serious illness or death. The number of cases continues to rise and at least 27 people in Oregon have died. The Governor declared a state of emergency on March 8, 2020 due to the public health threat posed by COVID-19. (Executive Order (EO) 20-03, incorporated herein by reference.)
2. The Governor has ordered increasingly restrictive measures to limit the transmission of COVID-19, including limiting gatherings, prohibiting on-site consumption of food or drink, and closing schools. (EO 20-05, EO 20-07, EO 20-08, and EO 20-09, incorporated herein by reference). The Governor has ordered all non-urgent health care procedures postponed to preserve personal protective equipment and hospital beds and directed citizens to maintain at least six feet of social distancing. (EO 20-10 and EO 20-12, incorporated herein by reference).
3. COVID-19 spreads person-to-person through coughing, sneezing, and close personal contact. Limiting the spread of the disease is the most important response strategy to reduce the impact of the disease.¹ The United States Centers for Disease Control and Prevention (CDC) recommends healthcare facilities screen patients and visitors for symptoms of respiratory illness

¹ CDC, Coronavirus Disease 2019 (COVID-19) Situation Summary (Updated March 21, 2020) available at

prior to entering the facility.² CDC recommends healthcare facilities consider establishing triage stations *outside* the facility to screen prior to entering.³

4. AFC Urgent Care is an urgent care located at 25 NW 23rd Place in Portland, Oregon. AFC Urgent Care operates in a business complex, with a parking lot, owned by AI, LLC. AFC Urgent Care continues to provide healthcare services including primary care, urgent care, and COVID-19 testing. AFC Urgent Care has adopted several practices to minimize risk of COVID-19 transmission, including directing patients to first see a provider remotely through telemedicine and screening patients by phone prior to their visit. AFC Urgent Care also intends to screen patients in-person, before they enter the facility, and is doing so at most of its facilities.
5. AFC Urgent Care submitted a request to AI, LLC to temporarily place a portable triage unit in the parking lot outside of AFC Urgent Care to screen patients for COVID-19. AI, LLC has denied the request.

AUTHORITIES

1. The Governor, through EO 20-03, has directed OHA and the state Public Health Director to take all action necessary and authorized under ORS 401.51 to 401.670; ORS 433.443, and ORS 431A.015 to respond to, control, mitigate, and recover from the emergency.
2. OHA has the authority and power to enforce public health laws, including to issue administrative orders. ORS 431A.010(1)(d).

ORDER

1. Triage and screening of patients and visitors prior to entering healthcare facilities is necessary for limiting the impact of COVID-19 under the current declared emergency. Screening of patients outside of healthcare facilities is encouraged to limit transmission of COVID-19.
2. OHA finds that it is necessary to encourage and facilitate pre-screening of patients prior to entering healthcare facilities whenever possible to respond

² CDC, Coronavirus Disease 2019 (COVID-19), Steps Healthcare Facilities can Take, available at https://www.cdc.gov/coronavirus/2019-ncov/hcp/steps-to-prepare.html?CDC_AA_refVal=https%3A%2F%2Fwww.cdc.gov%2Fcoronavirus%2F2019-ncov%2Fhealthcare-facilities%2Fsteps-to-prepare.html.


³ CDC, Coronavirus Disease 2019 (COVID-19), Infection Control Guidance, available at

to, control, and mitigate the effects of the public health emergency of COVID-19. ORS 433.441(3)(f); ORS 433.443(2)(a)(E); EO 20-03. OHA may prescribe the use of real property immediately adjacent to a healthcare facility for the welfare, health and medical care of Oregon's citizens, including for the purpose of pre-screening patients prior to entering the facility. ORS 401.188; EO 20-03.

3. THEREFORE, it is HEREBY ORDERED THAT:

- a. AI, LLC shall permit AFC Urgent Care to conduct triage or screening activities in the parking lot adjacent to AFC Urgent Care's facility at 25 NW 23rd Place in Portland, Oregon.**
- b. AI, LLC shall permit AFC Urgent Care to temporarily place a portable unit in the parking lot for triage or screening activities. AFC Urgent Care shall ensure that any structure or activity complies with all health and safety requirements.**
- c. This Order is immediately terminated upon the termination or expiration of the declared state of emergency due to COVID-19. The Oregon Health Authority may immediately terminate this Order at any time.**

Dated this 6th day of April 2020.



PATRICK M. ALLEN
DIRECTOR
OREGON HEALTH AUTHORITY

CERTIFICATE OF SERVICE

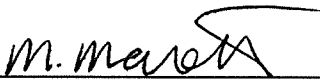
I HEREBY CERTIFY that on the 7th day of April 2020, I directed to be served the within ORDER TO PERMIT SCREENING ACTIVITIES upon the parties hereto, a full, true and correct copy thereof, by the method indicated below:

RWPA Service Company, LLC
Registered Agent for Atlas
Investments, LLC
111 SW Columbia St STE 700
Portland, OR 97201

☒ by Regular Mail, postage prepaid
☒ by Certified Mail No. 7019 0700 0002 0786 4634
☐ Via Fax
☐ Via E-mail

Courtesy copy to
Katy Durant
Atlas Investments, LLC
808 SW Alder St. No 200
Portland, OR 97205
Emailed to:
kdurant@atlasinv.com

☒ by Regular Mail, postage prepaid
☐ by Certified Mail No. _____
☐ Via Fax
☒ Via E-mail



MiKayla Marcott
Executive Assistant
Oregon Health Authority

Exhibit B

