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**TEMPORARY ADMINISTRATIVE ORDER**  
INCLUDING STATEMENT OF NEED & JUSTIFICATION

**PH 83-2020**  
CHAPTER 333  
OREGON HEALTH AUTHORITY  
PUBLIC HEALTH DIVISION

**FILED**  
12/18/2020 12:28 PM  
ARCHIVES DIVISION  
SECRETARY OF STATE  
& LEGISLATIVE COUNSEL

FILING CAPTION: Newborn Nurse Home Visiting Services Provided by Telehealth

EFFECTIVE DATE: 01/01/2021 THROUGH 06/29/2021

AGENCY APPROVED DATE: 12/17/2020

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**NEED FOR THE RULE(S):**

The Oregon Health Authority, Public Health Division needs this rule to support appropriate response during an outbreak or epidemic of an infectious disease. The rule allows Newborn Nurse Home Visiting services provided under OAR 333-006-0120 to be provided by telehealth during the COVID-19 pandemic to protect the health and safety of the home visiting workforce and families receiving the services.

**JUSTIFICATION OF TEMPORARY FILING:**

(1) This rule needs to be adopted promptly in order to support appropriate response to an outbreak or epidemic of infectious disease and assure appropriate access to Newborn Nurse Home Visiting services.

(2) Recipients of Newborn Nurse Home Visiting services, the home visiting workforce and the general public.

(3) This rule needs to be adopted promptly in order to support appropriate response to an outbreak or epidemic of infectious disease and assure appropriate access to Newborn Nurse Home Visiting services.

(4) Allows the delivery of Newborn Nurse Home Visiting services by telehealth during the COVID-19 pandemic to protect the health and safety of the home visiting workforce and families receiving the services.

**DOCUMENTS RELIED UPON, AND WHERE THEY ARE AVAILABLE:**

Guide for Maternal/Child Health Home Visitation during the Covid-19 Pandemic  
<https://sharedsystems.dhsoha.state.or.us/DHSForms/Served/le3246.pdf>

ADOPT: 333-006-0170

RULE SUMMARY: Temporary adoption of OAR 333-006-0170 defines telehealth, allows services provided under OAR 333-006-0120 to be provided through telehealth according to clinical and telehealth guidelines approved by the Authority, and directs certified Providers to develop policies and procedures for providing services by telehealth.

CHANGES TO RULE:

333-006-0170

Newborn Nurse Home Visiting Services Provided by Telehealth

(1) For the purposes of this rule "telehealth" includes synchronous (live two-way interactive) video and audio transmission resulting in a real time communication between the home visitor and the client. Telehealth only includes telephone communication if a video platform is not available.¶

(2) Any visit or service provided under OAR 333-006-0120 may be provided through telehealth rather than an in-person visit to the family's home. ¶

(3) All services provided by telehealth must be provided according to clinical and telehealth guidelines approved by the Authority. All services provided by telehealth must be provided in accordance with these rules except that:¶

(a) Screening for intimate partner violence may be delayed or omitted for safety reasons during a telehealth visit.¶

(b) Certified providers may obtain oral consent for services, as an alternative to written consent, prior to provision of services. Providers must document consent for services in the family's record.¶

(4) Certified providers providing services through telehealth shall develop and implement telehealth policies and procedures that describe appropriate use of communication technology and considerations for privacy protections.¶

(5) Certified providers may virtually observe telehealth home visits for quality assurance review.¶

(6) Certified providers must allow for virtual reviews of the provider and permit the Authority/designee timely access to provider records as an alternative to an on-site review.¶

(7) This rule is effective only during a Governor-declared or Authority-declared public health emergency or up to 180 days from the date this rule is adopted.¶

NOTE: Clinical and telehealth guidelines approved by the Authority are available on the Authority's website: <https://www.oregon.gov/oha/PH/HEALTHYPEOPLEFAMILIES/BABIES/HOMEVISITING/Pages/Family-Connects-Oregon.aspx>.

Statutory/Other Authority: ORS 413.042, ORS 433.301

Statutes/Other Implemented: ORS 433.301