



**MEMBER BRIEFING:
COVID Employment FAQs, DHS Seeks LTC with Capacity
June 25, 2020**

OF SPECIAL NOTE

COVID Employment Frequently Asked Questions Updated

Lane Powell updated their COVID Employment FAQs for LTC and Senior Living Providers. Pertaining to the Governor's recent order requiring LTC facilities to test all staff and residents, they address whether LTC facilities can force their employees to test for COVID-19. Lane Powell indicates the [EEOC COVID-19 guidance](#) expressly states that employers can require employees to participate in COVID-19 testing before they are allowed to enter the workplace, even if they do not exhibit symptoms of the virus. This guidance signals to employers that mandatory COVID-19 testing, when carried out in accordance with the requirements of the guidance, will likely not run afoul of the Americans with Disabilities Act (ADA). The EEOC cautioned employers to ensure that they use tests that are "accurate and reliable." In the guidance, employers are urged to review guidance from the FDA, the CDC and other public health authorities about what may or may not be considered safe and accurate testing, and to check regularly for updates. Obtain the [updated COVID-19 Employment FAQs here](#).

Liability Waiver Language for Non-Licensed Amenities

Under the legal services benefit offered to LeadingAge Oregon members, Lane Powell drafted a waiver of liability for the non-licensed amenities offered by a senior living provider. A waiver sign-in sheet was also drafted. Access both documents [here](#).

DHS Seeking LTC Facilities with Capacity to Serve COVID-19

DHS is seeking Applications from interested Residential Care Facilities, Nursing Facilities and Assisted Living Facilities in the Portland Metro Area, Wilsonville Area and Salem who have capacity to serve COVID-19 individuals requiring long term care services. Obtain more information and instructions on how to access the Request for Application (RFA HDS 5039-20) [here](#).