

Omicron wave is close to cresting in Oregon, new forecast says

BY GARY A. WARNER
Oregon Capital Bureau

The omicron variant wave of COVID-19 will peak over the next two weeks and begin a steep decline, according to a new Oregon state forecast.

The Oregon Health & Science University late Thursday, Jan. 20, projected hospitalizations will likely peak on Feb. 1 at 1,553 COVID-19 patients.

"Oregon appears to be flattening the curve of hospitalized patients," the report said. "Infections are likely to peak in the next week and hospitalizations the week after."

The forecast came as the state continues to see key numbers climb. The number of people in Oregon hospitals with COVID-19 was 981 as of Jan.

20 — 204 more than the week before.

Protective measures against COVID-19 continue to suppress seasonal flu cases. There were 38 cases reported last week, compared with 1,461 in a similar week in 2020, just before the pandemic reached Oregon.

Other findings:

- Case counts and test positivity remain at record levels. The percentage of cases reported as positive was 27% on Thursday, Jan. 20.

- While new infections were still rising quickly, the percentage of the most severe cases held steady. As of Jan 18, 25% of Oregon's occupied ICU beds had COVID-19 patients, similar to the week before.

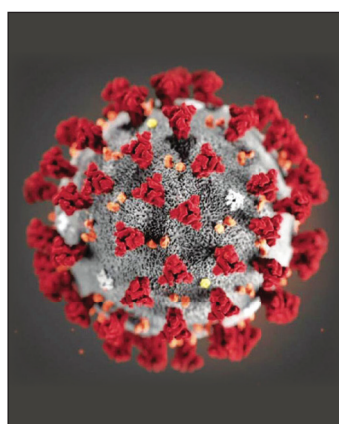
- The number of children in

Oregon hospitals remains "volatile and high," with 23 as of Jan. 18. Oregon has a low rate of pediatric cases compared to the majority of states.

The New York Times said Thursday, Jan. 20, that state and local health agencies reported 753,990 new cases, up 29% from two weeks ago. Hospitals had 158,638 COVID-19 positive patients, up 48% from two weeks ago, the newspaper reported.

Oregon ranked 11th lowest in cases per 100,000 residents among the 50 states.

The Institute for Health Metrics and Evaluation at the University of Washington, another key COVID-19 forecaster in the Pacific Northwest, says the number of infections in Oregon likely peaked Jan. 11. It forecasts



CDC/Contributed Photo

A COVID-19 particle is pictured in this image provided by the Centers for Disease Control and Prevention.

that hospitalizations will top out on Feb. 1. Daily deaths would start declining on Feb. 4.

Lawsuit: Governor unlawfully commuting prison sentences

PORTLAND — Two Oregon district attorneys and the relatives of three homicide victims have filed a lawsuit accusing Gov. Kate Brown of unlawfully freeing nearly 1,000 incarcerated people.

The lawsuit was filed Wednesday, Jan. 19, in Marion County Circuit Court, The Oregonian/OregonLive reported.

District attorneys Patricia Perlow of Lane County and Doug Marteeny of Linn County are among the parties alleging Brown has violated clemency procedures that require victim notification. The lawsuit also asks a judge to stop the Democratic governor from allowing those convicted of crimes as minors from applying for commutation.

"We are asking that the court compel the governor to follow the laws that are already in place," said Monique DeSpain, a lawyer for the Kevin L. Mannix Salem-based law firm, which filed the case with Common Sense for Oregon on behalf of Perlow, Marteeny and the homicide victims' relatives.

Kevin Mannix, a former chair of the Oregon Republican Party, leads both the law firm and the organization, The Register-Guard reported. A spokeswoman for the governor said the office "generally does not comment on matters of pending litigation."

Brown commuted the sentences of 912 people in custody who were deemed at heightened risk of contracting COVID-19, according to a June 2021 letter she sent to state lawmakers. Those freed were

medically vulnerable, had completed at least half their sentences and weren't serving time for crimes against people.

Brown also commuted the sentences of 41 people who fought the Labor Day 2020 wildfires, according to the June letter, which is cited in the lawsuit. Those released didn't "present

an unacceptable safety, security, or compliance risk to the community," the letter said.

Forty-four incarcerated people and three jail employees have died of COVID-19 since the pandemic began, state records show.

The lawsuit says Brown broke rules requiring individual commutation applications and unlawfully delegated her responsibilities to state agencies.

"This lawsuit is not personal on my part," Marteeny said in a statement. "I believe our laws put limits on (Brown's) actions. I am working to enforce those limits."

Perlow, in a statement, said Brown was ignoring crime victims' statutory and constitutional rights.

Aliza Kaplan, a Lewis & Clark Law School professor who helps people in custody prepare clemency applications, said the governor's actions were in line with historical standards.

"She's using it in the exact way it should be used," Kaplan told The Oregonian/OregonLive. "These people have been punished significantly, and even in a place like prison, they have managed to rehabilitate themselves, and the governor is offering them mercy."



Brown

Oregon residents decry 'permanent' mask mandate proposed by OHA

BY SARA CLINE

Associated Press/Report for America

PORTLAND — Hundreds of Oregon residents claimed government overreach on Thursday, Jan. 20, as officials at the state's health authority consider indefinitely extending the current indoor mask requirement due to the COVID-19 pandemic.

The Oregon Health Authority held a public hearing about the proposed "permanent" mask rule for public indoor spaces, regardless of people's vaccination status. Although the word "permanent" is used, officials say the rule can be rescinded when it is deemed "no longer necessary" by health authority officials.

However, currently there is no set expiration date or specific metrics outlining when the rule could be lifted if OHA makes it permanent.

Any person who violates the proposed rule will be subject to civil penalties of up to a \$500 fine per day per violation.

More than 350 people — ranging from stay-at-home parents, registered nurses, a speech language pathologist, teachers and business owners in rural and urban areas — attended the virtual public hearing and vehemently opposed the rule.

"We don't believe that you're going to take into account the best interest of Oregonians and we don't believe that you're going to repeal this," Elizabeth Moore, a Portland

resident, said during the hearing. "I think it's high time at this stage of the pandemic... to let Oregonians be adults and make decisions for themselves."

Many people testifying cited studies, anecdotes and quotes against masking. Most were frustrated and some threatened officials.

"Remove this and don't push it through," said Angela Todd, the chief communications officer for a grass-roots group called Free Oregon. "And I promise you, if you push this through, we're coming for you."

Oregon Health officials and the federal Centers for Disease Control and Prevention say wearing masks indoors can help reduce the spread of COVID, especially as the highly contagious omicron variant is causing a spike in cases.

The proposed permanent rule has emerged to address a technicality in state law that requires the current temporary rule to expire in early February — after the projected peak of the omicron wave.

The temporary rule was adopted in August 2021 in response to the rapid spread of the delta variant. Oregon law gives the health authority the power to implement public health rules such as the mask mandate, but the agency is only allowed to leave temporary rules in place for 180 days.

"Up until now, masking was a temporary measure re-examined and renewed every

180 days. This puts a forcing function of time into each mask mandate requiring you to look at current evidence and hear public opinion," Aden Nepom, a West Linn resident, said in opposition.

This is not the first time there has been public outcry over a "permanent" mask rule.

In May 2021, Michael Wood, the administrator of the state's department of Occupational Safety and Health, indefinitely extended a workplace rule requiring masks and social distancing in all businesses.

The Oregon Health Authority is scheduled to hold two more administrative rulemaking hearings on Monday, Jan. 24. The first will be on a masking requirement in schools and COVID-19 vaccination requirements for teachers and school staff. The second will be on masking and vaccination requirements in health care settings.

Oregon has had some of the most stringent COVID-19 restrictions and safety measures throughout the pandemic. State officials have attributed the state's success in lower COVID-19 case counts, hospitalizations and deaths — when compared to other states — to the safety measures.

At least nine other states — including California, New York and Washington — require most people to wear masks in indoor public places, whether or not they have been vaccinated against COVID-19.

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