



ORDER OF THE PROVINCIAL HEALTH OFFICER

TO: LICENSEES OF LONG TERM CARE FACILITIES AND PRIVATE HOSPITALS

TO: CONTRACTORS AND SUB-CONTRACTORS WHO PROVIDE STAFFING AT LONG TERM CARE FACILITIES AND PRIVATE HOSPITALS

TO: EMPLOYEES, CONTRACTED WORKERS AND VOLUNTEERS AT LONG TERM CARE FACILITIES AND PRIVATE HOSPITALS

(Pursuant to Sections 30, 31, 32, 39 (3), 67 and Part 5 *Public Health Act*, S.B.C. 2008)

The *Public Health Act* is at:

<http://www.bclaws.ca/civix/content/complete/statreg/08028/?xsl=/templates/browse.xsl>

(excerpts enclosed)

THIS ORDER REPLACES MY ORDER WITH RESPECT TO LONG TERM CARE FACILITY STAFF MOVEMENT LIMITATION MADE MARCH 26 2020

Re: Long Term Care Facility Staff Movement Limitation

WHEREAS:

- A. A serious communicable disease known as COVID-19 has emerged in British Columbia;
- B. SARS-CoV-2, an infectious agent, can cause outbreaks of COVID-19 among the public;
- C. A person infected with SARS-CoV-2 can infect other people with whom the infected person is in contact;
- D. The movement of people such as employees, contracted workers and volunteers (hereinafter referred to collectively as “staff”), who are routinely present at long term care facilities, private hospitals and public hospitals (hereinafter referred to collectively as “facilities”) can promote the transmission of SARS-CoV-2 and increase the risk of infection with SARS-CoV-2 of persons in care, patients and staff (hereinafter referred as the “risk”);
- E. The risk differs from facility to facility and in different regions of the province and the medical health officers are in the best position to assess local circumstances and to determine whether or not and where steps need to be taken to reduce the risk arising from the movement of staff, bearing in mind the need to ensure that there are adequate levels of staffing in facilities to provide care.
- F. It is necessary for me to make this order to reduce the risk while a plan is being developed and processes are being put in place to provide for a centralized approach to the deployment of staff.

- G. This Order does not apply to dietitians, laboratory technicians, nurse practitioners, paramedics, pharmacists, physicians, resident physicians or any other class of person who are exempted by the medical health officer and who provide visiting services at a facility.
- H. This Order is not intended to restrict staff from employment that is not at a facility, such as home support, social services, or other employment outside a facility.
- I. You belong to one of the classes of persons to whom this notice is addressed.
- J. I have reason to believe and do believe that
 - (i) the risk of an outbreak of COVID-19 among persons in care, patients and staff constitutes a health hazard under the *Public Health Act*;
 - (ii) because the risk of an outbreak extends beyond the authority of one or more medical health officers and coordinated action is needed to protect persons in care, patients and staff from contracting COVID-19, it is in the public interest for me to exercise the powers in sections 30, 31, 32 39(3), 67 and Part 5 of the *Public Health Act* **TO ORDER** as follows:

AS AND WHEN DIRECTED BY THE MEDICAL HEALTH OFFICER

LICENSEES OF LONG TERM CARE FACILITIES AND PRIVATE HOSPITALS, CONTRACTORS AND SUB-CONTRACTORS WHO PROVIDE STAFFING FOR FACILITIES

1. must restrict the movement of staff between facilities by ensuring that staff work in only one facility.
2. may seek approval from the medical health officer to permit a staff member to work in more than one facility, if unable to ensure adequate staffing levels in a facility as a result of complying with the direction of the medical health officer;
3. must not terminate the employment of, or otherwise penalize staff, and must preserve all benefits coverage and other perquisites for staff, who comply with the direction of the medical health officer with respect to where they are to work.
4. must provide a copy of this Notice to your staff.

EMPLOYEES, CONTRACTED WORKERS AND VOLUNTEERS AT FACILITIES

1. must comply with the direction of the medical health officer with respect to the facility at which you work, unless the work is at a place other than a facility, such as home support, social services, or other employment outside a facility.

This Order is in effect until rescinded by me.

You are required under section 42 of the *Public Health Act* to comply with this Order. Failure to comply with this Order is an offence under section 99 (1) (k) of the *Public Health Act*.

If you fail to comply with this Order, I have the authority to take enforcement action against you under Part 4, Division 6 of the *Public Health Act*.

You may contact me at:

Dr. Bonnie Henry, Provincial Health Officer
4th Floor, 1515 Blanshard Street
P O Box 9648 STN PROV GOVT, Victoria BC V8W 9P4
Fax: (250) 952-1570

DATED THIS: 27 day of March 2020

SIGNED:



Bonnie Henry
MD, MPH, FRCPC
Provincial Health Officer

DELIVERY BY posting on the BC Government website, posting on the BC Centre for Disease Control website and by email from the medical health officer.

Enclosure: Excerpts of *Public Health Act*

ENCLOSURE

Excerpts of the *PUBLIC HEALTH ACT*

Public Health Act [SBC 2008] c. 28

Definitions

1 In this Act:

"health hazard" means

- (a) a condition, a thing or an activity that
 - (i) endangers, or is likely to endanger, public health, or
 - (ii) interferes, or is likely to interfere, with the suppression of infectious agents or hazardous agents, or
- (b) a prescribed condition, thing or activity, including a prescribed condition, thing or activity that
 - (i) is associated with injury or illness, or
 - (ii) fails to meet a prescribed standard in relation to health, injury or illness;

When orders respecting health hazards and contraventions may be made

30 (1) A health officer may issue an order under this Division only if the health officer reasonably believes that

- (a) a health hazard exists,
- (b) a condition, a thing or an activity presents a significant risk of causing a health hazard,
- (c) a person has contravened a provision of the Act or a regulation made under it, or
- (d) a person has contravened a term or condition of a licence or permit held by the person under this Act.

(2) For greater certainty, subsection (1) (a) to (c) applies even if the person subject to the order is complying with all terms and conditions of a licence, a permit, an approval or another authorization issued under this or any other enactment.

General powers respecting health hazards and contraventions

31 (1) If the circumstances described in section 30 [*when orders respecting health hazards and contraventions may be made*] apply, a health officer may order a person to do anything that the health officer reasonably believes is necessary for any of the following purposes:

- (a) to determine whether a health hazard exists;
- (b) to prevent or stop a health hazard, or mitigate the harm or prevent further harm from a health hazard;
- (c) to bring the person into compliance with the Act or a regulation made under it;
- (d) to bring the person into compliance with a term or condition of a licence or permit held by that person under this Act.

(2) A health officer may issue an order under subsection (1) to any of the following persons:

- (a) a person whose action or omission
 - (i) is causing or has caused a health hazard, or
 - (ii) is not in compliance with the Act or a regulation made under it, or a term or condition of the person's licence or permit;
- (b) a person who has custody or control of a thing, or control of a condition, that
 - (i) is a health hazard or is causing or has caused a health hazard, or
 - (ii) is not in compliance with the Act or a regulation made under it, or a term or condition of the person's licence or permit;
- (c) the owner or occupier of a place where
 - (i) a health hazard is located, or
 - (ii) an activity is occurring that is not in compliance with the Act or a regulation made under it, or a term or condition of the licence or permit of the person doing the activity.

Specific powers respecting health hazards and contraventions

32 (1) An order may be made under this section only

- (a) if the circumstances described in section 30 [*when orders respecting health hazards and contraventions may be made*] apply, and
- (b) for the purposes set out in section 31 (1) [*general powers respecting health hazards and contraventions*].

(2) Without limiting section 31, a health officer may order a person to do one or more of the following:

- (a) have a thing examined, disinfected, decontaminated, altered or destroyed, including
 - (i) by a specified person, or under the supervision or instructions of a specified person,
 - (ii) moving the thing to a specified place, and
 - (iii) taking samples of the thing, or permitting samples of the thing to be taken;
- (b) in respect of a place,
 - (i) leave the place,
 - (ii) not enter the place,
 - (iii) do specific work, including removing or altering things found in the place, and altering or locking the place to restrict or prevent entry to the place,
 - (iv) neither deal with a thing in or on the place nor dispose of a thing from the place, or deal with or dispose of the thing only in accordance with a specified procedure, and
 - (v) if the person has control of the place, assist in evacuating the place or examining persons found in the place, or taking preventive measures in respect of the place or persons found in the place;
- (c) stop operating, or not operate, a thing;
- (d) keep a thing in a specified place or in accordance with a specified procedure;
- (e) prevent persons from accessing a thing;
- (f) not dispose of, alter or destroy a thing, or dispose of, alter or destroy a thing only in accordance with a specified procedure;
- (g) provide to the health officer or a specified person information, records, samples or other matters relevant to a thing's possible infection with an infectious agent or contamination with a hazardous agent, including information respecting persons who may have been exposed to an infectious agent or hazardous agent by the thing;
- (h) wear a type of clothing or personal protective equipment, or change, remove or alter clothing or personal protective equipment, to protect the health and safety of persons;

- (i) use a type of equipment or implement a process, or remove equipment or alter equipment or processes, to protect the health and safety of persons;
- (j) provide evidence of complying with the order, including
 - (i) getting a certificate of compliance from a medical practitioner, nurse practitioner or specified person, and
 - (ii) providing to a health officer any relevant record;
- (k) take a prescribed action.

(3) If a health officer orders a thing to be destroyed, the health officer must give the person having custody or control of the thing reasonable time to request reconsideration and review of the order under sections 43 and 44 unless

- (a) the person consents in writing to the destruction of the thing, or
- (b) Part 5 [*Emergency Powers*] applies.

Contents of orders

39 (3) An order may be made in respect of a class of persons.

Duty to comply with orders

42 (1) A person named or described in an order made under this Part must comply with the order.

(2) Subsection (1) applies regardless of whether the person leaves the geographic area for which the health officer who made the order is designated.

Offences

99 (1) A person who contravenes any of the following provisions commits an offence:

...

(k) section 42 [*failure to comply with an order of a health officer*], except in respect of an order made under section 29 (2) (e) to (g) [*orders respecting examinations, diagnostic examinations or preventive measures*];