

**RECORD OF DECISION – CMOH Order 38-2021 which rescinds CMOH Order 32-2021 and modifies CMOH Order 10-2020**

**Re: 2021 COVID-19 Response**

Whereas the Chief Medical Officer of Health has initiated an investigation into the existence of COVID-19 within the Province of Alberta.

Whereas the investigation has confirmed that COVID-19 is present in Alberta.

Whereas under section 29(2)(b)(i) of the *Public Health Act*, I may take whatever steps I consider necessary:

- (A) to suppress COVID-19 in those who may have already been infected with COVID-19;
- (B) to protect those who have not already been exposed to COVID-19;
- (C) to break the chain of transmission and prevent spread of COVID-19; and
- (D) to remove the source of infection.

Whereas under section 29(2.1) of the *Public Health Act*, I have the authority to take whatever other steps that are, in my opinion, necessary in order to lessen the impact of the public health emergency.

Whereas I am rescinding Record of Decision – CMOH Order 32-2021 and I have determined it is necessary to further modify Record of Decision – CMOH Order 10-2020.

Therefore, I am making the following Order:

- 1.1 This Order rescinds Record of Decision - CMOH Order 32-2021 effective on signing.
- 1.2 Record of Decision – CMOH Order 10-2020 is modified, effective on signing, by:
  - (a) deleting Appendix A and Appendix B and substituting the attached Appendix A; and
  - (b) deleting sections 1 to 14 and substituting the following sections:

**Part 1 – Restricting staff movement among health care facilities**

- 1. Beginning April 16, 2020, but no later than April 23, 2020, each operator of a health care facility, and each contractor operating within a health care facility, located in the Province of Alberta, must restrict the movement of staff members among health care facilities by ensuring that each staff member works in only one health care facility.

2. For greater certainty, this Order applies to physicians and nurse practitioners to the extent set out in the standards attached in Appendix A of this Order.
3. A staff member who is employed or contracted to provide services within more than one health care facility must as soon as reasonably possible disclose that fact to their supervisor (or for a contractor, the site administrator or designate) at each health care facility where they provide services.
4. A staff member who is employed or contracted to provide services within more than one health care facility is authorized to be absent from each of those health care facilities except the one health care facility in which they will continue to provide services while this Order is in effect.

## **Part 2 – Definitions**

5. For the purposes of this Order, a “contractor” is defined as an individual who, or corporation that, under a contract or a sub-contract with the operator of a health care facility, provides or arranges for the provision of health care services or support services within the health care facility.
6. For the purposes of this Order, a “staff member” is defined as any individual who is employed by, or provides services under a contract with, the operator of a health care facility or a contractor of the operator.
7. For the purposes of this Order, a “health care facility” is defined as:
  - (a) an auxiliary hospital under the *Hospitals Act*;
  - (b) a nursing home under the *Nursing Homes Act*; and
  - (c) a designated supportive living accommodation under the *Supportive Living Accommodation Licensing Act*.

## **Part 3 – Guidance for Working at a Single Site**

8. Commencing July 13, 2021, all operators of a health care facility located in the province of Alberta must comply with the requirements of Appendix A of this Order.

**Part 4 – General**

9. Notwithstanding anything in this Order, the Chief Medical Officer of Health may exempt an operator, contractor or staff member of a health care facility from the application of this Order.
  
10. This Order remains in effect until rescinded by the Chief Medical Officer of Health.

Signed on this 13 day of July, 2021.



Deena Hinshaw, MD  
Chief Medical Officer of Health

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**Document:** Appendix A to Record of Decision – CMOH Order 38-2021

**Subject:** Guidance for Working at a Single Site for Designated Supportive Living (DSL) and Long-Term Care (LTC) under Record of Decision – CMOH Order 38-2021.

**Date Issued:** July 13, 2021

**Scope of Application:** As per Record of Decision – CMOH Order 38-2021.

**Distribution:** All designated supportive living and long-term care facilities (nursing homes and auxiliary hospitals).

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#### Changes to Note

- Moved ‘Working at a Single Facility’ section from CMOH Order 37-2021 and created a standalone order
- Removed strong recommendation for all congregate living facilities to follow single site staffing restrictions
- Removed reference to in the case of outbreaks, as this falls under Outbreak Procedures in CMOH Order 37-2021

### **Working at Single Facility**

- To protect the most vulnerable Albertans, **designated supportive living and long-term care** staff employed or contracted by the operator (or contracted by AHS and deployed to the operator) continue to be limited to working within **one single DSL or LTC facility**<sup>1</sup>.
  - This order is inclusive of **all facility staff** (e.g. health care workers, food service workers, housekeeping, administrative, etc.).
  - Staff will be granted a leave of absence from their non-primary employers, where applicable. Non-primary employers will not penalize staff.
  - Please see the [exemption](#) that permits specific essential service workers employed or contracted by the operator (or contracted by AHS and deployed to the operator) to work at multiple designated supportive living and long-term care facilities.
- The terms of [Labour Ministerial Order 2020-26](#), continued by s. 5.1 of the [Employment Standards Code](#) and s. 157.1 of the [Labour Relations Code](#), direct the process and employment protections for staff and operators.
- Under sections 53.1 to 53.4 of the [Public Health Act](#), operators are required to submit relevant staffing information to Alberta Health, as directed. Any requests for a consideration of a single site exemption may be brought forward on a case-by-case basis for consultation with AHS Zone Medical Officers of Health. Only the Chief Medical Officer of Health may grant an exemption.
  - Rationale for exemptions should be clear and may include multiple sites in one campus; specialized staff serving multiple facilities under one organization; significant/extreme staffing concerns that cannot be resolved through other mechanisms, etc.

### **Easing Working at Single Facility Policy**

- Planning is underway to ease Alberta's single site staffing policy for fully vaccinated staff. By end of August 2021, it is expected an approved process and timing for staff movement will be communicated from Alberta Health and/or Alberta Health Services to DSL and LTC operators.

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<sup>1</sup> Labour and Immigration MO 2020-26 modified both the Labour Relations Code and the Employment Standards Code, entrenching the single site staffing rule set out in CMOH Order 10- 2020 and related employment relations processes. The MO came into effect on April 24, 2020 with provision that it would lapse on earliest of three potential events: 60 days after lapse of the March 17, 2020 OIC (OC 80/2020) declaring a state of public health emergency, when terminated by the Minister, or when terminated by cabinet. The MO would have lapsed in August 2020 but for Bill 24, the COVID Pandemic Response Statutes Amendment Act. Bill 24 subsequently amended both the Labour Relations Code and the Employment Standards Code extending the single site staffing rule and related provisions for an additional 18 months. Unless the two statutes are amended, the single site rule and related provisions will remain law until February 14 2022.