

## RECORD OF DECISION – CMOH Order 02-2022

### Re: 2022 COVID-19 Response

Whereas I, Dr. Deena Hinshaw, Chief Medical Officer of Health (CMOH) have initiated an investigation into the existence of COVID-19 within the Province of Alberta.

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

Whereas having determined that it is possible to modify certain restrictions while still protecting Albertans from exposure to COVID-19 and preventing the spread of COVID-19, I hereby make the following order (the Order):

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### Part 1 – Application

- 1.1 This Order applies throughout the Province of Alberta and is effective January 10, 2022.
- 1.2 This Order rescinds Record of Decision CMOH Order 01-2022 and CMOH Order 48-2021.

### Part 2 – Definitions

- 2.1 In this Order and the Schedule to this Order, the following terms have the following meanings:
  - (a) “asymptomatic” means a person who is not exhibiting COVID-19 symptoms.
  - (b) “confirmed case of COVID-19” means a COVID-19 infection where a person is:

- i. asymptomatic and has taken two rapid tests, not less than 24 hours of each other, and both rapid tests indicate the person is positive for COVID-19;
  - ii. symptomatic and has taken one or more rapid tests indicating the person is positive for COVID-19; OR
  - iii. asymptomatic or symptomatic and has taken a PCR test which indicates the person is positive for COVID-19.
- (c) "COVID-19 symptoms" means the following symptoms of COVID-19 that are not related to a pre-existing illness or health condition:
- i. cough;
  - ii. fever;
  - iii. sore throat;
  - iv. shortness of breath;
  - v. runny nose; or
  - vi. loss of taste or smell.
- (d) "COVID-19 test" means a Health Canada approved rapid test or a lab based PCR test approved by Health Canada or the lab accreditation body of the jurisdiction in which the test is performed.
- (e) "critical worker" means a person identified by the owner or operator of a business or entity who is essential to continued safe operations and who provides or is responsible for services that are essential to the safe operation of the business or entity.
- (f) "fully vaccinated" means a person eligible for vaccination who has:
- i. proof of receiving no less than two doses of a World Health Organization approved COVID-19 vaccine in a two dose vaccine series and has had fourteen or more days elapse since the date on which the person received the last dose of vaccine; or
  - ii. proof of receiving at least one dose in a World Health Organization approved COVID-19 vaccine in a one dose series and has had fourteen days or more elapse since the date on which the person received the last dose of vaccine.
- (g) "health care facility" means
- i. an auxiliary hospital under the *Hospitals Act*;
  - ii. a nursing home under the *Nursing Homes Act*;
  - iii. a designated supportive living accommodation under the *Supportive Living Accommodation Licensing Act*;
  - iv. any facility in which residential hospice services are offered or provided by Alberta Health Services or by a service provider under contract with Alberta Health Services.
- (h) "isolation" means the separation of a person from any other person for the purpose of preventing the spread of COVID-19.

- (i) "isolation period" means the period of time that a person is required to be in isolation pursuant to this Order.
- (j) "PCR test" means the polymerase chain reaction test for COVID-19.
- (k) "rapid test" means a COVID-19 testing device that is listed in authorized medical devices for uses related to COVID-19: List of authorized testing devices by Health Canada published on the Government of Canada website and is approved for point-of-care molecular or antigen COVID-19 testing, including but not limited to, symptomatic, asymptomatic, tests performed by a health care professional, tests performed by a lay-person, or self-testing.
- (l) "symptomatic" means a person who is exhibiting COVID-19 symptoms which are not related to a pre-existing illness or health condition.
- (m) "symptoms resolve" means the state when a person's COVID-19 symptoms improve and the person remains afebrile for a period of twenty four hours without using fever reducing medications.

### **Part 3 – Isolation requirements**

#### **General Requirement**

3.1 A person is required to be in isolation if the person is:

- (a) symptomatic; or
- (b) asymptomatic and has taken one rapid test with a positive result; or
- (c) a confirmed case of COVID-19.

#### **For symptomatic persons**

3.2 A symptomatic person who is fully vaccinated is required to isolate in accordance with Part 3 and must:

- (a) immediately start isolation and isolate for a minimum period of five days from the first day on which the person is symptomatic, or until the person's COVID-19 symptoms resolve, whichever is longer;
- (b) remain at home, and two metres distant from any other person at all times;
- (c) not attend work, school, social events or any other public gatherings; and
- (d) not take public transportation.

3.3 A symptomatic person who is not fully vaccinated is required to isolate in accordance with Part 3 and must:

- (a) immediately start isolation and isolate for a minimum period of ten days from the first day on which the person is symptomatic, or until the person's COVID-19 symptoms resolve, whichever is longer;
- (b) remain at home, and two metres distant from any other person at all times;
- (c) not attend work, school, social events or any other public gatherings; and
- (d) not take public transportation.

3.4 Despite section 3.2 and section 3.3, a symptomatic person is not required to isolate in accordance with Part 3 if:

- (a) a PCR test indicates the person is negative for COVID-19 and the COVID-19 symptoms have resolved; or
- (b) two rapid tests, taken not less than 24 hours of each other, both indicate the person is negative for COVID-19 and the COVID-19 symptoms have resolved.

**For asymptomatic persons**

3.5 An asymptomatic person who is fully vaccinated and has taken one rapid test indicating the person is positive for COVID-19 or is a confirmed case of COVID-19, is required to isolate in accordance with Part 3 and must:

- (a) immediately start isolation and isolate for a minimum period of five days from the day on which the asymptomatic person takes a COVID-19 test that indicates the person is positive for COVID-19;
- (b) remain at home, and two metres distant from any other person at all times;
- (c) not attend work, school, social events or any other public gatherings; and
- (d) not take public transportation.

3.6 An asymptomatic person who is not fully vaccinated and has taken one rapid test indicating the person is positive for COVID-19 or is a confirmed case of COVID-19, is required to isolate in accordance with Part 3 and must:

- (a) immediately start isolation and isolate for a minimum period of ten days from the day on which the asymptomatic person takes a COVID-19 test that indicates the person is positive for COVID-19;
- (b) remain at home, and two metres distant from any other person at all times;
- (c) not attend work, school, social events or any other public gatherings; and
- (d) not take public transportation.

3.7 Despite section 3.5, if an asymptomatic person who is fully vaccinated develops COVID-19 symptoms during the isolation period, the person must continue to isolate for five

days from the first day on which the person is symptomatic or until the COVID-19 symptoms resolve, whichever is later.

- 3.8 Despite section 3.6, if an asymptomatic person who is not fully vaccinated develops COVID-19 symptoms during the isolation period, the person must continue to isolate for 10 days from the first day on which the person is symptomatic or until the COVID-19 symptoms resolve, whichever is later.
- 3.9 Despite section 3.5 and section 3.6, an asymptomatic person is not required to isolate in accordance with Part 3 if:
- (a) a PCR test indicates the person is negative for COVID-19; or
  - (a) the result of a second rapid test, taken not less than 24 hours from the initial rapid test, is negative for COVID-19.

**Residents of Designated Supportive Living, Auxiliary Hospital, Nursing Home and Hospice facilities**

- 3.10 A person who is a resident of a health care facility, whether fully vaccinated or not, is required to isolate in accordance with Part 3 if the resident is:
- (a) symptomatic, and is not a confirmed case of COVID-19, then the resident must immediately start isolation and isolate from the first day on which the resident is symptomatic, for a minimum period of ten days, or until the resident's COVID-19 symptoms resolve, whichever is longer;
  - (b) asymptomatic and has taken one rapid test with a positive result, then the resident must immediately start isolation and isolate for a minimum period of ten days from the day on which the asymptomatic resident takes a COVID-19 test that indicates the resident is positive for COVID-19;
  - (c) confirmed case of COVID-19, then the resident must immediately start isolation and isolate for a minimum period of ten days from the day on which the resident takes a COVID-19 test that indicates the resident is positive for COVID-19.
- 3.11 A person who is a resident of a health care facility who is required to isolate in accordance with section 3.10 must:
- (a) remain at the health care facility, and two metres distant from any other person at all times;
  - (b) not attend social events or any other public gatherings; and
  - (c) not take public transportation.
- 3.12 Despite sections 3.10 and 3.11, a resident of a health care facility is not required to isolate in accordance with Part 3 if the:

- (a) symptomatic resident has taken a PCR test which indicates the resident is negative for COVID-19 and COVID-19 symptoms resolve;
- (b) symptomatic resident has taken two rapid tests, not less than 24 hours of each other, both indicating the resident is negative for COVID-19 and COVID-19 symptoms resolve; or
- (c) asymptomatic resident has taken a second rapid test, not less than 24 hours from the initial rapid test, and the results indicate the resident is negative for COVID-19.

### **Requirement to wear a mask**

3.13 Despite any other CMOH Order in effect that pertains to masking, every person required to isolate for the isolation periods set out in Part 3 must wear a mask at all times when in a public place or otherwise in the company of other persons for a period of up to five days following the expiry of the applicable isolation period. The period during which a person is required to mask expires ten days from the first day on which the person is:

- (a) symptomatic; or
- (b) asymptomatic and has taken one rapid test with a positive result; or
- (c) a confirmed case of COVID-19.

For greater certainty, none of the masking exceptions set out in any CMOH Order in effect applies to a person required to mask in accordance with this section.

### **Part 4 – Critical worker exception**

4.1 Despite Part 3 of this Order, and in accordance with Schedule A, a person or class of persons is excepted from the application of this Order where the owner or operator of a business, sector or service determines that a certain person or class of persons:

- (a) is a critical worker; and
- (b) the critical worker's absence would cause a substantive disruption of services that would be harmful to the public.

4.2 The owner or operator seeking an exception must have a plan to accommodate the presence of the critical worker, identified in section 4.1 that, at minimum, meets the criteria in Schedule A to mitigate the risk of the spread of infection by the critical worker who would otherwise be required to isolate pursuant to this Order.

4.3 To mitigate the risk of the spread of infection by the critical worker, the owner or operator must ensure that a critical worker identified in section 4.1 follows the:

- (a) plan developed by the owner or operator pursuant to section 4.2, and

(b) criteria in Schedule A.

4.4 To mitigate the risk of the spread of infection by a critical worker, a critical worker who is excepted from isolation must follow the:

(a) plan developed by the owner or operator pursuant to section 4.2; and

(b) criteria in Schedule A.

For greater certainty, a critical worker is subject to the requirements in Part 3, when not under this exception to complete critical work duties.

**Part 5 - General**

5.1 Notwithstanding anything in this Order, the Chief Medical Officer of Health may exempt a person or classes of persons from the application of this Order.

5.2 This Order remains in effect until rescinded by the Chief Medical Officer of Health.

Signed on this 10 day of January, 2022.

  
Deena Hinshaw, MD  
Chief Medical Officer of Health

**Schedule A: Critical Worker Isolation Exceptions**

1. This exception is only permitted when:
  - (a) services provided by the business or entity are critical for the ongoing operation of services that impact the public interest;
  - (b) any substantive service disruption will be detrimental to the public interest;
  - (c) the person otherwise required to be in isolation are asymptomatic or mildly symptomatic; and
  - (d) all other means of staffing critical worker positions have been exhausted.

**Critical Worker Eligibility:**

2. The only workers eligible for the isolation exception are those critical workers who are required to be on-site, in-person for critical work duties.

**Risk Hierarchy for Isolation Exception:**

3. Wherever possible, the owner or operator should implement the isolation exception for critical workers following a least risk to most manner. This prioritizes that the persons who temporarily leave isolation for critical, in-person work duties are the least likely to transmit infection, in conjunction with the public health criteria and controls below. It is strongly recommended that the hierarchy of risk follows:
  - (a) A critical worker under this Order will be in one of the following categories, with preference in each category to be given first to a person who has received a booster dose; then a person who is fully immunized; then a person who is partially immunized; and finally a person who is unimmunized:
    - i. a symptomatic person who tests negative for COVID-19 but exhibits mild COVID-19 symptoms;
    - ii. an asymptomatic person who has taken one rapid test with a positive result;
    - iii. an asymptomatic person who is a confirmed case of COVID-19;
    - iv. a symptomatic person who is a confirmed case of COVID-19 but exhibits mild COVID-19 symptoms.

**Public health criteria and controls:**

4. Attending the business or entity location:
  - (a) Access to the work location is limited to only critical workers whose presence is critical to the provision of service, to the extent possible.
  - (b) Critical workers are only permitted to attend the work location for the purposes of completing their job duties that require them to be on-site, in-person, to ensure the ongoing functioning of the service.
  - (c) All critical workers must travel directly to the work location, and immediately return to their place of residence until the applicable isolation period is complete.
5. Masking Requirements:
  - (a) Medical masks are worn to enter and exit the building.
  - (b) If there is any possibility of a critical worker under this exception being in the same room as another person, even temporarily, the critical worker under this exception must wear a medical mask at all times during this period of time.



- i. The other persons that may be in the same area as the critical worker should also wear medical face masks, whenever possible
  - (c) Critical workers must have access to medical masks in the event that they need to replace their mask on shift.
  
- 6. Work spaces:
  - (a) Whenever possible, critical workers will be alone in their workspace for the duration of their shift.
  - (b) Work spaces for critical workers should include, whenever possible:
    - i. a single office that have been established with doors that can close;
    - ii. located on a separate floor from the general areas and other work spaces in the location;
    - iii. have their own washroom and kitchen facilities which can only be accessed by the critical worker;
    - iv. if work spaces are shared by critical workers on different shifts, the critical worker from the first shift must leave the work space before the critical worker from the second shift arrive;
    - v. in between shifts, rooms are thoroughly sanitized with 70% alcohol.
  - (c) The HVAC system must be functioning properly.
  
- 7. Additional Requirements:
  - (a) The business or entity must develop and implement protocols for COVID-19 that align with this exception and address appropriate hygiene to protect critical workers and other persons from further transmission of COVID-19.
  - (b) The business or entity must train staff on the protocols implemented pursuant to section 7(a) above.
  - (c) The business or entity, critical workers and any other staff must follow any further public health conditions or requirements that relate to public health and safety that may be provided by Alberta Health or Alberta Health Services.