

RECORD OF DECISION – CMOH Order 49-2021

Re: 2021 COVID-19 Response – Modifies Record of Decision – CMOH Order 37-2021

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 the investigation has confirmed that COVID-19 is present in Alberta and constitutes a public health emergency as a novel or highly infectious agent that poses a significant risk to public health.

Whereas under section 29(2.1) of the *Public Health Act* (the Act), I have the authority by order to prohibit a person from attending a location for any period and subject to any conditions that I consider appropriate, where I have determined that the person engaging in that activity could transmit an infectious agent. I also 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 a state of public health emergency for the province of Alberta was declared on September 15, 2021.

Whereas I have made Record of Decision - CMOH Order 37-2021 on July 13, 2021.

Whereas I have determined that additional measures are necessary to protect Albertans from exposure to COVID-19 and to prevent the spread of COVID-19 and it is, therefore, necessary to revise Record of Decision – CMOH Order 37-2021.

I hereby make the following order, effective on October 25, 2021:

1. CMOH-Order 37-2021 is amended by modifying Appendix A to Record of Decision CMOH Order 37-2021, Updated Operational and Outbreak Standards for Licensed Supportive Living Long-Term Care and Hospice Settings Under Record of Decision – CMOH Order 37-2021 (Appendix A) as follows:
 - (a) The entire section titled “Continuous Masking” at page 4 of Appendix A, including the heading, is deleted and the following, revised, “Continuous Masking” section is substituted:

Continuous Masking

- o All staff, students, service providers, and volunteers must wear a surgical/procedure mask continuously, at all times and in any areas of the site where care/treatment is being provided, along with any non-care areas of the site except when working alone in an office or when a barrier is in place.
- o If staff are providing care to a resident with communication challenges where a mask would inhibit care being provided, operators have discretion to determine if circumstances are appropriate to use alternate Personal Protective Equipment (PPE).

- o Visiting persons must wear a surgical/procedure mask in all indoor areas of the building.
 - o Visiting persons who are spending time with residents with communication challenges (e.g. hearing concerns) where a mask would inhibit communication being provided, can remove mask while in a private space in the building if the resident consents and a distance of two meters is maintained between the visitor and the resident at all times.
- (b) At the Table of Contents of Appendix A, the reference to "Management of Residents Admission/Return from Outbreak Unit" is deleted and replaced with "Management of Residents Admissions/Return from other Health Settings".
- (c) The entire section titled "Management of Residents Admissions/Return from Outbreak Unit" at page 7 of Appendix A, including the heading, is deleted and the following, revised, section titled "Management of Residents Admissions/Return from other Health Settings" is substituted:

Management of Residents Admissions/Return from other Health Settings

- o All DSL/LTC residents must be placed on contact/droplet precautions and are to remain in their room upon admission or return from hospitals (after stays of more than 24 hours) until they receive a negative COVID-19 PCR test.
 - o The swab should be taken within 48 hours pre or post discharge.
 - o Hospital discharge must not be delayed awaiting test results.
 - o If the test result is positive, see Appendix 1, 2 or 3 for management of COVID-19 test results in fully, partially and unvaccinated residents.
- (d) At the Table of Contents of Appendix A, "Site-based Policies and Processes" is added after "Management of Residents Admissions/Return from other Health Settings" and the following section, titled "Site-based Policies and Processes", is added immediately following the section titled "Management of Residents Admissions/Return from other Health Settings":

Site-based Policies and Processes

- o Operators may choose to implement additional site-based policies and processes for COVID-19 prevention:
 - o policies and processes must be appropriate to local context.
 - o policies and processes must be based on resident and family member preferences.
- o Visiting persons must comply with site-based policies and processes for COVID-19 prevention.

If before October 25, 2021 an operator of a health care facility in the province of Alberta is in compliance with this Order, the operator is deemed not be in contravention of CMOH Order 37 - 2021.

This Order provides the minimum standards for public health measures in Alberta for those matters addressed by this Order.

For greater certainty, nothing in this Order relieves a person from complying with any provision of any federal, provincial or municipal law or regulation or any requirement of any lawful permit, order or licence covering those matters which are addressed in this Order

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

Signed on this 20 day of October, 2021.


Deena Hinshaw, MD
Chief Medical Officer of Health

This is Exhibit "P" referred to in the Affidavit of:

David Thomas Dickson

Sworn before me this

21th day of October, 2021

Redacted _____

Commissioner for Oaths, Justice of the Peace,

or Notary Public in and for Alberta

Commissioner for Oaths
and for the Province of Alberta
appointment expires 2022/01/31

Alberta