

ORDER OF THE MEDICAL HEALTH OFFICER

Facility Staff Assignment Order

(Pursuant to Sections 30, 31, 32, 39(3) *Public Health Act*, S.B.C. 2008, and pursuant to Provincial Health Officer Order re: Facility Staff Assignment Order dated April 10, 2020 and amended April 15, 2020)

THIS ORDER REPLACES MY CLASS ORDER #2 WITH RESPECT TO LONG TERM CARE FACILITIES WITHIN THE VCH REGION MADE APRIL 9, 2020.

TO: LICENSEES OF LONG TERM CARE FACILITIES AND PRIVATE HOSPITALS, BOARDS OF MANAGEMENT OR OPERATORS OF STAND ALONE EXTENDED CARE HOSPITALS DESIGNATED UNDER THE HOSPITAL ACT, REGISTRANTS OF ASSISTED LIVING RESIDENCES WHICH PROVIDE REGULAR ASSISTANCE WITH ACTIVITIES OF DAILY LIVING, INCLUDING EATING, MOBILITY, DRESSING, GROOMING, BATHING OR PERSONAL HYGIENE AND OPERATORS OF PROVINCIAL MENTAL HEALTH FACILITIES (HEREINAFTER REFERRED TO COLLECTIVELY AS “OPERATORS” AND “FACILITIES”)

TO: CONTRACTORS AND SUB-CONTRACTORS WHO PROVIDE STAFFING FOR FACILITIES

TO: EMPLOYEES AND CONTRACTED WORKERS (HEREINAFTER REFERRED TO COLLECTIVELY AS “STAFF”) AND VOLUNTEERS AT FACILITIES

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 between facilities, such as staff and volunteers and students who are routinely present at facilities, can promote the transmission of SARS-CoV-2 and increase the risk of infection with SARS-CoV-2 of persons- in- care, patients, residents (hereinafter referred to collectively as “residents”) and staff;
- E. ~~In order to mitigate the risk of the transmission of SARS-CoV-2 among residents, staff and volunteers, it is necessary for the movement of staff and volunteers between facilities to be limited;~~

- F. For this purpose, the Provincial Health Officer made an Order for the limitation of the movement of staff between facilities on April 15, 2020 (hereinafter referred to as the “PHO Order”) which, among other matters, requires medical health officers to make decisions about the assignment of staff to facilities, and to make an order or orders implementing the decision or decisions;
- G. As directed by the PHO Order, I have made a decision about the assignment of staff to facilities and make this Order for the purpose of implementing my decision, and will provide each facility with a staff assignment directive applicable to that facility in the form set out in Appendix A (a “Staff Assignment Directive”) which may be updated from time to time by me or another Medical Health Officer (MHO) employed by Vancouver Coastal Health Authority (VCH);
- H. This Order does not apply to physicians, dieticians, medical laboratory technologists, medical laboratory assistants, nurse practitioners, paramedics, pharmacists, resident physicians, speech language pathologists, podiatrists, inter-facility transport staff, delivery persons, trades people, regular and biochemical waste removal people, biomedical engineers, visitors, VCH staff attending the facility for the purposes of the VCH assisted dying program, or any other person or class of person who are exempted by a VCH MHO according to the process set out on page of this Order.;
- I. 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;
- J. You belong to one of the classes of persons to whom this Order is addressed;
- I. I have reason to believe and do believe that
 - (i) the risk of an outbreak of COVID-19 among residents, staff and volunteers constitutes a health hazard under the *Public Health Act*;
 - (ii) in order to protect residents, staff and volunteers from the risk of outbreaks in facilities of which you are the licensee, registrant or operator, or to which you provide staff under contract, or at which you are staff, it is necessary for me to exercise the powers in sections 30, 31, 32 and 39(3) *Public Health Act* **TO ORDER** as follows:

OPERATORS, CONTRACTORS AND SUB-CONTRACTORS WHO PROVIDE STAFFING FOR FACILITIES

MUST

1. take all steps necessary to implement the assignment of staff to facilities as provided for in the Staff Assignment Directive applicable to each facility.
2. ~~only permit staff to work at a facility to which they have been assigned in the Staff Assignment Directive applicable to each facility.~~

3. Facility Operators, and Contractors/Subcontractors must update and confirm the personal and employment related information of staff including their name, contact information, paid hours, total work hours, Social Insurance Number and other information in electronic format following the instructions at <https://bchealthstaffing.ca/upload> (the "Staff Data") after each pay period retroactive to the pay period covering April 24, 2020, **by Friday May 22nd 2020** . Facility Operators, and Contractors/Subcontractors must input Staff Data bi-weekly after Thursday May 21, 2020, within 24 hours of when they run the pay period. The required information and instructions for submission may change over time, further to a written directive of an MHO employed by VCH. These directives will be posted at <http://www.vch.ca/covid-19> .
4. Facility Operators, and Contractors/Subcontractors who provide staffing for facilities and for hospitals in the VCH geographic region must update and confirm the personal and employment related information of individuals who work at facilities and at hospitals in the VCH geographic region including their name, contact information, paid hours, total work hours, Social Insurance Number and other information in electronic format following the instructions at <https://bchealthstaffing.ca/upload> (the "Acute Staff Data") after each pay period retroactive to the pay period covering April 24, 2020, by the date as directed by a VCH MHO (the "First Due Date"). Facility Operators, and Contractors/Subcontractors must input Acute Staff Data bi-weekly after the First Due Date within 24 hours of when they run the pay period. The required information and instructions for submission may change over time, further to a written directive of an MHO employed by VCH. These directives will be posted at <http://www.vch.ca/covid-19> .
5. make a copy of this Order available to all staff listed in the Staff Assignment Directive applicable to the facility and provide notice to such staff in writing that they are assigned to the facility under a Staff Assignment Directive.
6. request all volunteers:
 - a. to disclose if they have volunteered at another facility in the past 14 days and not permit volunteers to volunteer at the facility if they indicate that they have; and
 - b. to not volunteer at any other facility other than the Operator's facility.
7. Deliver a copy of this Order to all volunteers volunteering at the facility.

EMPLOYEES AND CONTRACTED WORKERS AT FACILITIES

MUST

1. only work in the facility to which you are assigned in a Staff Assignment Directive.

VOLUNTEERS

MUST

1. disclose to an Operator the names of the facilities at which you are volunteering, and;
2. volunteer at only one facility.

This Order is in effect until cancelled or revised by me or another MHO employed by VCH. Staff Assignment Directives relating to this Order are effective as of the date of the relevant Staff Assignment Directive and will remain in effect until cancelled or replaced by a later dated Staff Assignment Directive.

In the event this Order is cancelled, all Staff Assignment Directives relating to this Order will terminate.

In exceptional circumstances and where an appropriate safety plan is in place to manage health hazard risks, I or another MHO employed by VCH may grant an exemption to any provision of my Order, including any provision in a Staff Assignment Directive. Facilities must apply for this exemption on behalf of the Staff person by setting out the exceptional circumstances and the safety plan in writing and submitting it to the VCH Licensing Officer listed below:

Nader Massoud, Senior Licensing Officer (Residential)
Email: nader.massoud@vch.ca
Phone: 604-675-3859

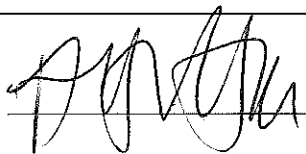
Any Staff declared by an MHO employed by VCH to be exempt from any provision of this Order remains subject to enhanced COVID-19 screening and may be denied permission to enter the facility if they are symptomatic or if they have been identified as a contact to a case of COVID-19.

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 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*.

Pursuant to section 54(1)(h) of the *Public Health Act*, and in accordance with the emergency powers set out in part 5 of the *Public Health Act*, no VCH MHO will be accepting requests for reconsideration, requests for review, or requests for reassessment of this Order.

EFFECTIVE DATE: May 15, 2020

SIGNED:



Althea Hayden, MD, MPH, FRCPC
Medical Health Officer, Vancouver Coastal Health
800-601 W Broadway, Vancouver, B.C.
Telephone: 604-675-3900 and Fax: 604-731-2756,

DELIVERED BY: Posting on the VCH website, email to the Employer (facility/contractor/sub-contractor), and Provincial Health Officer.

Enclosures: Appendix A: Staff Assignment Directive Template

Excerpts of *Public Health Act* and Regulations

Excerpts of the PUBLIC HEALTH ACT and Regulations

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;

Division 4 — Orders Respecting Health Hazards and Contraventions

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.
