

AL April 9/20
FHAO12

CLASS ORDER (Registered Assisted Living Facilities) re: COVID-19

NOTICE TO ALL OWNERS, OPERATORS AND REGISTRANTS OF REGISTERED ASSISTED LIVING FACILITIES IN THE FRASER HEALTH REGION (CLASS)

**ORDER OF THE MEDICAL HEALTH OFFICER
(Pursuant to Sections 30, 31, 32, 39(3) and 54(1) *Public Health Act*, S.B.C. 2008)**

The *Public Health Act*, S.B.C. 2008, c. 28 and the regulations issued thereunder are available at:
<http://www.bclaws.ca/civix/content/complete/statreg/1922970521/08028/?xsl=/templates/browse.xsl>

TO: All owners, operators and registrants of Registered Assisted Living Facilities (“**AL Facilities**”) (such persons referred to collectively as “**AL Facility Operators**”)

FACILITIES: All AL Facilities within the Fraser Health Authority (“**FHA**”) region (as defined under the *Health Authorities Act*, BC)

WHEREAS:

- A. A communicable disease known as COVID-19 has emerged in British Columbia;
- B. SARS-CoV-2, an infectious agent, can cause outbreaks of serious illness known as 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. On March 17, 2020, the Provincial Health Officer, Dr. Bonnie Henry declared the COVID-19 pandemic to be an emergency pursuant to Part 5 of the *Public Health Act*, S.B.C. 2008, c. 28;
- E. AL Facilities within the FHA region have experienced or may experience an outbreak or incidence of COVID-19 infection, such that it has become necessary to implement more extensive and restrictive protective measures in order to limit the possibility of further spread of COVID-19 and to protect the assisted living tenants and staff of AL Facilities;
- F. You belong to a class of people who are the owners, operators or registrants of AL Facilities situated within the FHA region; and
- G. I have reason to believe and do believe that the risk of outbreaks of COVID-19 in AL Facilities constitutes a health hazard under the *Public Health Act*.

I HEREBY MAKE THE FOLLOWING ORDER PURSUANT TO SECTIONS 30, 31, 32, 39(3) and 54(1) OF THE *PUBLIC HEALTH ACT*:

Effective immediately on receipt of this Order, AL Facility Operators are directed to:

1. Comply with the Assisted Living Facility Directive issued by a FHA Medical Health Officer (MHO) from time to time (the “**AL Directive**”). The initial AL Directive dated April 9, 2020 is attached to this Order. If updates to the AL Directive are made, AL Facility Operators will be notified and the updated AL Directive will be posted at <https://www.fraserhealth.ca/covid19LTC>

Enclosure

Assisted Living Facility Directive re: COVID-19 effective April 9, 2020

1. Screening of persons coming into the AL Facility

- 1.1. AL Facilities must carry out screening for respiratory symptoms (including a fever) of persons (i.e. staff, tenants, contractors and visitors), in accordance with the guidance issued by FHA Medical Health Officers (MHO) which may be updated at any time ("**Screening or Screened**").

2. Visitors

- 2.1. Restrict visitors to essential visits only. Essential visits include: visits for compassionate care (e.g., end of life and critical illness).
- 2.2. Visitors must access the AL Facility through a single controlled entrance point.
- 2.3. Visitors will only be permitted when a visitor screening person is present.
- 2.4. Visitors whose Screening indicates any degree of respiratory symptoms (including a fever) must not be permitted to visit, unless an exemption is granted and: infection control has been consulted, the visit is arranged in advance, the visitor wears any recommended personal protective equipment and the visitor complies with all directions regarding infection control measures.

3. Screening of staff in the AL Facility

- 3.1. All staff must be Screened at least twice during their shift (before shift starts and at end of shift).
- 3.2. Staff must self-monitor for respiratory symptoms (including a fever) during their shift.
- 3.3. If staff exhibit respiratory symptoms (including a fever), they must immediately stop work, report any symptoms to the AL Facility supervisor, promptly leave the AL Facility, seek testing for COVID-19 and self-isolate.

4. Screening and testing of tenants in the AL Facility

- 4.1. Tenants must be Screened twice a day following the existing tenant screening algorithm, as updated from time to time (currently: *Fraser Health COVID-19 Screening Process for Long-Term Care, MHSU, Assisted Living (March 27, 2020) FINAL*).
- 4.2. Immediately isolate any tenant with new or worsening respiratory symptoms (including fever) or gastrointestinal symptoms.
- 4.3. Ensure any tenant with new or worsening upper or lower respiratory symptoms (including fever) or gastrointestinal symptoms is tested, even if there is just a single tenant who is ill. Follow the processes for collecting and sending specimens to the BCCDC Lab for testing as directed by Fraser Health.
- 4.4. If there are two or more ill tenants, contact Public Health immediately (604-587-3828 Monday to Friday 0830-1630h or 604-527-4806 after-hours) for advice on next steps.

5. Community Activities

- 5.1. All group activities into the community must immediately cease.
- 5.2. No community organizations/groups may enter the AL Facility.
- 5.3. Individual tenants must not go into the community except for urgent medical needs (for example: dialysis).

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) 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.

Division 2 — Emergency Powers

General emergency powers

- 54 (1) A health officer may, in an emergency, do one or more of the following:
- (a) act in a shorter or longer time period than is otherwise required;
 - (b) not provide a notice that is otherwise required;
 - (c) do orally what must otherwise be done in writing;
 - (d) in respect of a licence or permit over which the health officer has authority under section 55 *[acting outside designated terms during emergencies]* or the regulations, suspend or vary the licence or permit without providing an opportunity to dispute the action;
 - (e) specify in an order a facility, place, person or procedure other than as required under section 63 *[power to establish directives and standards]*, unless an order under that section specifies that the order applies in an emergency;
 - (f) omit from an order things that are otherwise required;
 - (g) serve an order in any manner;
 - (h) not reconsider an order under section 43 *[reconsideration of orders]*, not review an order under section 44 *[review of orders]* or not reassess an order under section 45 *[mandatory reassessment of orders]*;
 - (i) exempt an examiner from providing examination results to an examined person;
 - (j) conduct an inspection at any time, with or without a warrant, including of a private dwelling;
 - (k) collect, use or disclose information, including personal information,
 - (i) that could not otherwise be collected, used or disclosed, or
 - (ii) in a form or manner other than the form or manner required.
- (2) An order that may be made under this Part may be made in respect of a class of persons or things, and may make different requirements for different persons or things or classes of persons or things or for different geographic areas.

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]*;