



## **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)

**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 Fraser Health Authority;
- H. This Order does not apply to dietitians, medical laboratory technologists, medical laboratory assistants, nurse practitioners, paramedics, pharmacists, physicians, resident physicians, speech language pathologists, inter-facility transport staff, delivery persons, trades people, regular and biochemical waste removal people, biomedical engineers, visitors or any other person or class of person who are exempted by me;
- 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. 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.

## EMPLOYEES AND CONTRACTED WORKERS AT FACILITIES

### MUST

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

This Order is in effect until cancelled or revised by me or another MHO employed by Fraser Health Authority. 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.

I or another MHO employed by Fraser Health Authority may grant a written exemption to any provision of my Order, including any provision in a Staff Assignment Directive. Facilities may apply for an exemption by contacting Fraser Health Authority at [SSO.Exemptions@fraserhealth.ca](mailto:SSO.Exemptions@fraserhealth.ca) and setting out the need for an exemption in writing.

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 FHA MHO will be accepting requests for reconsideration, requests for review, or requests for reassessment of this Order.

EFFECTIVE DATE: **May 08, 2020**

SIGNED:



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Dr. Andrew Larder, FRCPC  
Executive Medical Director – Medical Health Officer  
Fraser Health Authority

DELIVERED BY: E-mail via the Fraser Health COVID.SingleSiteOrder address to the Union, Employer (facility/contractor/sub-contractor), Provincial Health Officer and HEABC, as well as posting on the Fraser Health website at:  
<https://www.fraserhealth.ca/health-topics-a-to-z/coronavirus/mho#.XrXOvrqovjY>

Enclosures: Appendix A: Staff Assignment Directive Template

Excerpts of *Public Health Act* and Regulations



**Appendix A**

**Staff Assignment Directive Template**

**(Pursuant to MHO Order re: Facility Staff Assignment dated MMM DD, 2020)**

<b>Facility:</b>	<b>Date:</b>
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(This Staff Assignment Directive replaces any earlier dated Staff Assignment Directive for the Facility.)

Last Name	First Name	Position	Union

*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.



## **Part 5 — Emergency Powers**

### **Division 1 — Application of this Part**

#### **Definitions for this Part**

**51** In this Part:

"emergency" means a localized event or regional event that meets the conditions set out in section 52 (1) or (2) [*conditions to be met before this Part applies*], respectively;

"localized event" means an immediate and significant risk to public health in a localized area;

"regional event" means an immediate and significant risk to public health throughout a region or the province.

#### **Conditions to be met before this Part applies**

**52** (1) A person must not exercise powers under this Part in respect of a localized event unless the person reasonably believes that

- (a) the action is immediately necessary to protect public health from significant harm, and
- (b) compliance with this Act, other than this Part, or a regulation made under this Act would hinder that person from acting in a manner that would avoid or mitigate an immediate and significant risk to public health.

(2) Subject to subsection (3), a person must not exercise powers under this Part in respect of a regional event unless the provincial health officer provides notice that the provincial health officer reasonably believes that at least 2 of the following criteria exist:

- (a) the regional event could have a serious impact on public health;
- (b) the regional event is unusual or unexpected;
- (c) there is a significant risk of the spread of an infectious agent or a hazardous agent;
- (d) there is a significant risk of travel or trade restrictions as a result of the regional event.

(3) If the provincial health officer is not immediately available to give notice under subsection (2), a person may exercise powers under this Part until the provincial health officer becomes available.

#### **Part applies despite other enactments**

**53** During an emergency, this Part applies despite any provision of this or any other enactment, including

- (a) in respect of the collection, use or disclosure of personal information, the *Freedom of Information and Protection of Privacy Act* and the *Personal Information Protection Act*, and
- (b) a provision that would impose a specific duty, limit or procedural requirement in respect of a specific person or thing,

to the extent there is any inconsistency or conflict with the provision or other enactment.

## 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*];