

Special Measures Order (Restatement of Amendment No. 10)

Made pursuant to Section 28 of the Public Health Protection and Promotion Act

September 9, 2020

TO: All operators, staff, new clients and residents of assisted living facilities that provide care and assistance to seniors in their daily living

WHEREAS:

- A. While a declaration of a public health emergency is in effect, the Chief Medical Officer of Health may do one or more of the special measures authorized under section 28 of the **Public Health Protection and Promotion Act** for the purpose of protecting the health of the population and preventing, remedying or mitigating the effects of the public health emergency;
- B. On March 18, 2020, the Minister of Health and Community Services, on the advice of the Chief Medical Officer of Health, declared:
 - (i) a public health emergency as a result of the COVID-19 pandemic;
 - (ii) the public health emergency is in effect for the entire province of Newfoundland and Labrador; and
 - (iii) the public health emergency is in effect for a period of 14 days effective immediately;
- C. The public health emergency has been extended for 14-day intervals and is currently still in effect;
- D. The Chief Medical Officer of Health, pursuant to subsection 28(2) of the **Public Health Protection and Promotion Act**, may provide notice in any manner that can reasonably be expected to give actual notice;
- E. The Chief Medical Officer of Health, pursuant to section 28 of the **Public Health Protection and Promotion Act**, made Special Measures Order (Amendment No. 10) in relation to assisted living facilities effective April 29, 2020, with further amendments made June 10, 2020 and June 12, 2020.
- F. The Chief Medical Officer of Health believes that while special measures continue to be necessary for the purpose of protecting the health of the population and preventing, remedying or mitigating the effects of the public health emergency, in accordance with section 13 of the **Public Health Protection and Promotion Act**, certain restrictions set out in the Special Measures Order (Amendment No. 10) effective April 29, 2020 and as further

amended June 10, 2020 and June 12, 2020 are no longer required in the circumstances to respond to the public health emergency,

Pursuant to section 28 of the **Public Health Protection and Promotion Act**, I, Dr. **Janice Fitzgerald, Chief Medical Officer of Health** **HEREBY ORDER:**

1. **Visitor Restriction:** Visitation to the facility is limited to six designated individuals (inclusive of a support person) per resident where the visit occurs inside the facility, unless for exceptional circumstances including visiting a resident at end of life.
2. **Staff screening:** All staff must be screened for risk of COVID-19 at the beginning of each of their shifts.
3. **Personal Protective Equipment:** Staff shall use personal protective equipment, as appropriate.
4. **Monitoring:** Operators of assisted living facilities shall cooperate and provide reasonable access to their facility to representatives of a Regional Health Authority for the purpose of monitoring compliance with this Order.

IT IS FURTHER ORDERED THAT:

1. This Special Measures Order (Restatement of Amendment No. 10) is effective as of September 10, 2020 and applies to all operators, staff, new clients and residents of assisted living facilities that provide care and assistance to seniors in their daily living, in the province of Newfoundland and Labrador.
2. This Order replaces the previous Special Measures Orders related to assisted living facilities dated April 29, 2020, June 10, 2020 and June 12, 2020.
3. All other Special Measures Orders remain in full force and effect.

TAKE NOTICE THAT:

1. Failure to comply with this order may result in an application to the Supreme Court, in accordance with section 42 of the **Public Health Protection and Promotion Act** to enforce the relevant provisions of this Order.
2. A person who is subject to an order made by the Chief Medical Officer of Health may request that the Chief Medical Officer of Health reconsider the order by filing a written request for reconsideration within 7 days after the day on which the

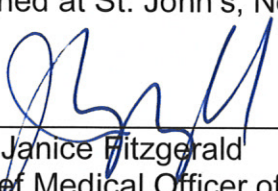
order is served on a person. A written request for review or reconsideration of this order shall include:

- (i) the reasons for the request;
- (ii) a summary of the facts relevant to the request;
- (iii) whether the order should be revoked or how it should be varied; and
- (iv) the contact information of the person making the request and shall be sent to the following address:

The Chief Medical Officer of Health
Department of Health and Community Services
PO Box 8700
St. John's, NL A1B 4J6

- 3. The Chief Medical Officer of Health shall review this Order no less than once every 5 days while the Order is in effect.
- 4. This Order remains in effect during any review or reconsideration.
- 5. Failure to comply with this Order is an offence for which you may be liable on summary conviction in accordance with section 56 of the **Public Health Protection and Promotion Act**.
- 6. For greater certainty, compliance with this Order is required in addition to and not in substitution for any requirement imposed by or under any applicable law.

Signed at St. John's, Newfoundland and Labrador, this 9th day of September, 2020.



Dr. Janice Fitzgerald
Chief Medical Officer of Health