

Special Measures Order (Amendment No. 9)

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

April 28, 2020

TO: All operators and staff of personal care homes and long term care facilities in Newfoundland and Labrador

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 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;
- D. The Chief Medical Officer of Health, pursuant to section 28 of the **Public Health Protection and Promotion Act**, made Special Measures Orders effective March 23, 2020, March 24, 2020, March 25, 2020, March 31, 2020, April 12, 2020, April 22, 2020, April 23, 2020, April 24, 2020 and April 25, 2020;
- E. The Chief Medical Officer of Health believes that further special measures are necessary for the purpose of protecting the health of the population and preventing, remedying or mitigating the effects of the public health emergency; and
- F. The Chief Medical Officer of Health believes, in accordance with section 13 of the **Public Health Protection and Promotion Act**, that the restrictions set out in this Special Measures Order (Amendment #9) are the least intrusive measures reasonably 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. Operators of personal care homes and long term care facilities are:
 - a. prohibited from permitting staff to work across multiple personal care home and long term care facility locations; and
 - b. prohibited from permitting staff to engage in any other employment while simultaneously employed at a personal care home or long term care facility

unless required in exceptional circumstances and where an exemption has been granted.

IT IS FURTHER ORDERED THAT:

1. This Order replaces the Special Measures Order (Amendment No. 4) dated April 14, 2020.
2. This Order applies to all operators and staff of personal care homes and long term care facilities in Newfoundland and Labrador.
3. All other Special Measures Orders remain in full force and effect.

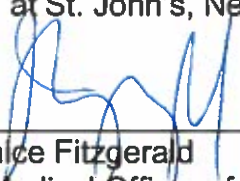
TAKE NOTICE THAT:

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 28th day of April, 2020.



Dr. Janice Fitzgerald
Chief Medical Officer of Health