

IN THE MATTER OF the *Public Health Act*, RSPEI 1988, c P-30.1 (“Act”).

LONG-TERM CARE FACILITIES AND NURSING HOMES STAFF MOVEMENT ORDER

WHEREAS a state of public health emergency was declared in Prince Edward Island on March 16, 2020 as a result of the COVID-19 pandemic pursuant to Order in Council EC2020-174, and continued on April 15, 2020 by Order in Council EC2020-254, on May 15, 2020 by Order in Council EC2020-305, on June 15, 2020 by Order in Council EC2020-350, on July 14, 2020 by Order in Council EC2020-435, on August 14, 2020 by Order in Council EC2020-488, on September 13, 2020 by Order in Council EC2020-542, on October 13, 2020 by Order in Council EC2020-603, on November 12, 2020 by Order in Council EC2020-649, on December 12, 2020 by Order in Council EC2020-724, on January 11, 2021 by Order in Council EC2021-1 and on February 10, 2021 by EC2021-71;

AND WHEREAS I believe that the movement of staff between long-term care facilities and nursing homes can promote the transmission of COVID-19 and increase the risk of infection with COVID-19 of persons in care and staff;

AND WHEREAS pursuant to clause 49(2)(a) of the Act, I may take special measures during a state of public health emergency including, but not limited to, issuing directions for the purpose of controlling infection to an institution, health facility, corporation, health care organization, health professional or health care provider;

AND WHEREAS pursuant to clause 49(2)(g) of the Act, I may take any other measure I reasonably believe is necessary for the protection of the health of the population during the public health emergency;

AND WHEREAS, at the time of making this Order, recommendations from the National Advisory Committee on Immunization inform that approximately two weeks after receiving the full two-dose series, currently authorized vaccines in Canada have been shown to be highly efficacious in the short term against confirmed symptomatic COVID-19 disease, appear to be efficacious against severe COVID-19 outcomes such as hospitalization or death, and may reduce asymptomatic infection and transmission of the COVID-19 virus;

NOW THEREFORE pursuant to my authority granted under subsection 49(2) of the Act, I hereby order as follows.

1. In this Order:

- (a) “long-term care facility or nursing home” means the following establishments:
 - (i) nursing homes as defined under clause 1(j) of the *Community Care Facilities and Nursing Homes Act*, RSPEI 1988, c C-13; and
 - (ii) long-term care facilities which are operated by or on behalf of the Department of Health and Wellness or Health PEI.
- (b) “operator” means the person or organization responsible for the management and operation of a long-term care facility or nursing home;


- (c) "staff" means employees, contracted workers and volunteers who are routinely present at a long-term care facility or nursing home;
 - (d) "unvaccinated staff" means staff who have not received two (2) doses of a vaccine for COVID-19, as approved by the Chief Public Health Officer; and
 - (e) "vaccinated staff" means staff who have received two (2) doses of a vaccine for COVID-19, as approved by the Chief Public Health Officer.
2. An operator of a long-term care facility or nursing home is prohibited from permitting unvaccinated staff to work in multiple long-term care facility or nursing home locations. For greater certainty, this section does not restrict unvaccinated staff from engaging in other employment that is not at another long-term care facility or nursing home. For example, unvaccinated staff are permitted to work in other employment at community care facilities, hospitals, health centres and community-based programs and services.
3. An operator of a long term care facility or nursing home is prohibited from permitting vaccinated staff to work in multiple long term care facility or nursing home locations if the vaccinated staff do not follow all testing and infection, prevention and control measures as required by the Chief Public Health Officer. For greater certainty, this section does not restrict vaccinated staff from engaging in other employment that is not at another long-term care facility or nursing home. For example, vaccinated staff are permitted to work in other employment at community care facilities, hospitals, health centres and community-based programs and services.
4. The following persons are exempt from the application of section 2 and 3 of this Order:
- (a) physicians;
 - (b) nurse practitioners;
 - (c) home care workers;
 - (d) emergency medical services (EMS);
 - (e) Health PEI quality risk consultants;
 - (f) Health PEI outbreak teams;
 - (g) registered nurses working with Infection Prevention and Control;
 - (h) specialized service workers who are necessary for the functioning of a facility (e.g. cooks, maintenance staff, tradespersons), except that they must be swabbed for COVID-19 at least once per week if working at multiple facility locations;
 - (i) Community Care Facilities and Nursing Homes Board inspectors or representatives; and
 - (j) persons exempted by the Chief Public Health Officer, in exceptional circumstances.

5. For the purpose of this Order, Margaret Stewart Ellis Home and Community Hospital O'Leary are considered as one location.
6. An operator seeking an exemption in exceptional circumstances under this Order can contact the Chief Public Health Officer's office at (902) 368-4996.

THIS ORDER is effective February 16, 2021 and shall remain in effect for the duration of the state of public health emergency in the Province, unless sooner terminated.

TAKE NOTICE THAT failure to comply with this Order is an offence for which you may be liable on summary conviction in accordance with section 66 of the *Act*.

DATED at Charlottetown, in Queens County, Prince Edward Island this 12th day of February, 2021.



Dr. Heather Morrison
Chief Public Health Officer