

ORDER OF THE MEDICAL OFFICER OF HEALTH

Made pursuant to Section 22 of the Health Protection and
Promotion Act, R.S.O. 1990, c. H.7

November 3, 2020

To: All administrators, corporations and owner/operators of one of the following facilities within the County of Simcoe and District of Muskoka:

- a. A “long-term care home” as defined in section 2(1) of the *Long-Term Care Homes Act, 2007* S.O. 2007 c. 8 (as amended).

I, Dr. Charles Gardner, Medical Officer of Health for the Simcoe Muskoka District Health Unit, order you to take the following actions:

1. Immediately cease all indoor visits at the facility with residents by “general visitors”, regardless of whether the facility is currently experiencing an outbreak of a communicable disease;
2. Immediately limit all indoor visits at the facility with residents to one (1) “essential visitor”, at a time, regardless of whether the facility is currently experiencing an outbreak of a communicable disease;
3. Immediately cease permitting residents to leave the facility for “short-stay absences and temporary absences” except for those required for health care, regardless of whether the facility is currently experiencing an outbreak of a communicable disease. However, residents are permitted outside their facility remaining on the facility’s property and maintaining at least a two (2) metre distance from any other person;
4. Continue to follow all other precautions and procedures, including those outlined under “managing visitors” in Directive #3 for Long-Term Care Homes under the Long-Term Care Homes Act, 2007 issued under Section 77.7 of the Health Protection and Promotion Act, R.S.O. 1990, c.H.7 (September 9, 2020 or as current); and
5. Follow any further instructions provided by the Simcoe Muskoka District Health Unit pertaining to COVID-19 and the terms and conditions of this Order.

“Essential visitor” is defined as per the Ministry of Long-Term Care as a person performing essential support services or a person visiting a very ill or palliative resident. This includes support workers and caregivers as defined below:

- A support worker is a type of essential visitor who is visiting to perform essential support services for the home or for a resident at the home including health care, maintenance and food services but are not staff of the facility as defined in the Long-Term Care Homes Act, 2007.
- A caregiver is a type of essential visitor who is designated by the resident and/or their substitute decision-maker and is visiting to provide direct care to the resident:
 - Caregivers must be at least 18 years of age.

“General visitor” is defined as a person who is not an essential visitor.

“Short-stay absence” is an absence by a resident from the facility for one or more nights for any reason.

“Temporary absence” is defined as leaving the home’s property for social or other reasons that includes one or more nights.

THE REASONS for this ORDER are that:

1. COVID-19 is a disease of public health significance and has been designated as communicable under Ontario Regulation 135/18 as amended. COVID-19 has been declared a pandemic by the World Health Organization. The Province of Ontario has enacted emergency orders under the Emergency Management and Civil Protection Act as a result of the pandemic.
2. COVID-19 is present in the Simcoe Muskoka District Health Unit and therefore poses a risk to the health of the residents of Simcoe Muskoka through

community transmission. The COVID-19 virus is spread from an infected person to an uninfected person by direct contact or from a close encounter where respiratory secretions from the infected person are transmitted to the uninfected person.

3. There has been in Ontario a significant and continuing increase in the incidence of COVID-19 in recent weeks. In Simcoe Muskoka, the incidence has increased from an estimated 5.4 cases/100,000 persons for the week ending September 12, 2020 to 22.5 cases/100,000 persons for the week ending October 10, 2020.
4. The number of COVID-19 cases and deaths continues to rise in Simcoe Muskoka and Ontario.
5. Residents of long-term care homes are on average older than the general population, and are more vulnerable to the health impacts of COVID-19.
6. The ongoing and safe operation of these facilities, and the ongoing daily care of the residents at the facilities, depends upon the ongoing availability of the facility's qualified, healthy and willing essential workers.
7. Institutional settings may facilitate the spread of COVID-19 and other communicable diseases where enhanced infection prevention and control measures and guidelines are not implemented and strictly complied with.

As a result, I am of the opinion, based on reasonable and probable grounds:

- a. That a communicable disease exists or may exist or that there is an immediate risk of an outbreak of a communicable disease in the health unit served by me;
- b. That the communicable disease presents a risk to the health of persons in the health unit area served by me; and
- c. That the requirements specified in this order are necessary in order to decrease or eliminate the risk to health presented by the communicable disease.

I am also of the opinion that the delivery of notice of this Order to each and every member of the class is likely to cause a delay that could significantly increase the risk to the health of any person residing in the health unit, so notice shall be provided through the public media and the internet via posting on the Simcoe Muskoka District Health Unit website: www.smdhu.org/covid19.

NOTICE

TAKE NOTICE THAT you are entitled to a Hearing by the Health Services Appeal and Review Board if you deliver to me at the Simcoe Muskoka District Health Unit and to the Health Services Appeal and Review Board, Health Boards Secretariat, 151 Bloor Street West, 9th Floor, Toronto, Ontario, M5S 1S4, notice in writing requesting a hearing within 15 days after service of this Order.

AND TAKE FURTHER NOTICE THAT although a hearing may be requested, this Order takes effect when it is served upon you.

FAILURE TO COMPLY with this Order is an offence for which you may be liable on conviction, to a fine of not more than \$5,000.00 for every day or part of each day on which the offence occurs or continues.

If you have any questions about this Order, please contact the Simcoe Muskoka District Health Unit at 705-721-7520 (1-877-721-7520) or online at: <https://www.simcoemuskokahealth.org/HealthUnit/About/Contact/ContactHealthConnection>.

ORIGINAL Signed By:

Charles Gardner, MD, CCFP, MHSc, FRCPC
 Medical Officer of Health
 Simcoe Muskoka District Health Unit
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 Barrie, ON L4M 6K9