

ORDER

made pursuant to Sections 22 and 29.2(1) of the Health Protection and Promotion Act (“HPPA”)

Date: November 21, 2020

TO: Wesley Moore
29 Albert Street,
St. Jacob’s, ON N0B 2N0

AND TO:

St. Mary’s General Hospital
911 Queen’s Boulevard
Kitchener, ON

Re: Village Manor, 29 Albert Street, St. Jacobs, Ontario, N0B 2N0 and Carpenter House, 2 Isabella Street, St. Jacobs, Ontario N0B 2N0 (collectively referred to as the “Institution”) as owned and operated by Wesley Moore (the “Operator”)

WHEREAS under section 22 of the HPPA, where a medical officer of health is of the opinion, on reasonable and probable grounds, that an outbreak of a communicable disease exists or may exist in the health unit and that the communicable disease presents a risk to persons in the health unit, a medical officer of health may make an order to require a person to take or to refrain from taking any action that is specified in the order in respect of a communicable disease;

AND WHEREAS under section 29.2 of the HPPA, where a medical officer of health is of the opinion, upon reasonable and probable grounds, that an outbreak of a communicable disease exists or may exist at a long-term care home, a retirement home or other institution of a similar nature as defined in the HPPA (“Home”) and that the communicable disease presents a risk to the health of persons in the Home, a medical officer of health may make an order requiring a Home to take any actions specified in the order for the purposes of monitoring, investigating and responding to an outbreak of communicable disease at the Home;

AND HAVING REGARD TO residents in Homes generally being older, and more medically complex than the general population, and therefore being more susceptible to serious complications from COVID-19 infection;

AND HAVING REGARD TO the immediate risk to residents of COVID-19 in Homes and, the necessary, present, and urgent requirement to implement additional measures for the protection of staff and residents, including, but not limited to, the

- active screening of residents, staff and visitors,
- active and ongoing surveillance of all residents,
- active and ongoing oversight of the delivery of clinical care,
- screening for new admissions,
- managing essential visitors,
- changes to when an outbreak of COVID-19 is declared at a home, including when it is over,
- specimen collection and testing for outbreak management, and
- implementation of all of the above measures including the adoption and implementation of Infection Prevention and Control

Measures as required in COVID-19 Guidance: Congregate Living for Vulnerable Populations dated May 28, 2020, which is incorporated by reference herein;

I AM THEREFORE OF THE OPINION that there exists or may exist an immediate risk to the health of persons residing at the Institution in the Region of Waterloo, arising from the outbreak of COVID-19 and that the measures specified in this order are necessary in order to decrease or eliminate the risks to health associated with the COVID-19 outbreak;

Therefore I, Dr. Hsiu-Li Wang, Medical Officer of Health for The Regional Municipality of Waterloo / Waterloo Health Unit, order you to take the following actions, effective November 21, 2020 and continuing for at least until the COVID-19 outbreak at the Institution has been declared over by Region of Waterloo Public Health, unless extended by myself:

St. Mary's General Hospital (the "Hospital"):

1. To attend at the Institution location to perform the below noted actions for the purposes of monitoring, investigating and responding to an outbreak of COVID-19;

The Operator:

1. Will permit entry by Region of Waterloo Paramedics and / or other health care partners whose services are requested by Region of Waterloo Public Health ("RoWPH") or the Hospital for the purpose of testing all Institution residents and/or staff for COVID-19;

2. Will ensure each staff member of the Institution attends mandatory education and training designed and implemented by the Hospital, and that such attendance is documented;
3. Will ensure staff and management comply with protocols and learnings arising from this Order;
4. Will co-develop, as required, with the Hospital quality measures that demonstrate knowledge and sustained application of learnings provided through this Order;
5. Will allow entry of all required staffing deemed necessary by the Hospital to the Institution and access by the Hospital to any and all individual residents and resident records;
6. Will ensure that the Institution and its staff will take direction from all staff sent from the Hospital and complete all directed activities in a timely and professional manner;
7. Will ensure that the release of information to any person or entity shall comply with the *Health Protection and Promotion Act*, and the *Personal Health Information Protection Act, 2004* and conform with any direction provided by the Hospital and / or RoWPH; and
8. Will execute any agreement forthwith that is deemed reasonably necessary by the Hospital for the actions required by the Hospital pursuant to this Order which agreement may include provisions for entry, insurance and indemnification.

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 and the Regional Municipality of Waterloo have declared an emergency under the *Emergency Management and Civil Protection Act* as a result of the pandemic.
- 2) COVID-19 is now present in the Regional Municipality of Waterloo and therefore poses a risk to the health of the residents of the Regional Municipality of Waterloo, and specifically to residents and staff of Institutions due to factors such as the precarious health circumstances of residents and the close proximity and nature of the living arrangements within the Institution. The COVID-19 virus is spread from an infected person to a close contact by direct contact or when respiratory secretions from the infected person enter the eyes, nose or mouth of another person.
- 3) Residents of Institutions experience outbreaks of COVID-19 with vulnerable

populations and these actions are required for the purposes of monitoring, investigating and responding to an outbreak of COVID-19 at the Institution and/or to proactively stop the spread of COVID-19 across all Institutional locations in the Region.

- 4) RoWPH has received documentation and/or information that your Institution:
 - a) Has resident(s) and/or staff diagnosed with COVID-19 and/or;
 - b) Has resident(s) and/or staff showing symptoms of COVID-19 and/or;
 - c) Has resident(s) and/or staff hospitalized with COVID-19
- 5) RoWPH has received documentation and/or information that your Institution is unable to respond by itself adequately to the current outbreak of COVID-19 so as to increase the risk of further infections and/or severe illness or death amongst residents and staff, including:
 - a) Residents not staying in isolation;
 - b) Staff working in both locations of Village Manor and Carpenter House;
 - c) Incorrect cleaning products being used, or correct cleaning products being used incorrectly;
 - d) Inadequate environmental cleaning procedures;
 - e) No separate facilities for staff use;
 - f) PPE not being worn correctly by staff and hand hygiene not compliant with best practices;
 - g) Inadequate staffing levels;
 - h) Complete records of staff and resident contact information have not been provided to Public Health yet; and
 - i) Direction on work self-isolation practices have not been relayed to all applicable staff yet.
- 5) RoWPH has information that the Institution was subject to a management order pursuant to the *Retirement Homes Act* in summer 2020 as a result of its inability to properly manage the Institution and that its licence under the *Retirement Homes Act* was surrendered thereafter by the Institution in order to lift the management order;
- 6) RoWPH requires the Hospital to attend and perform an IPAC assessment in accordance with the actions above and to direct that the Institution take all actions as required by the Hospital to contain and stop the COVID-19 outbreak at the Institution.
- 7) RoWPH has received documentation and/or information that your Institution has a critical staff shortage and thereby:
 - a. Has staffing levels inadequate and/or insufficient to meet the care and personal needs of the residents and/or
 - b. Has staffing levels inadequate and/or insufficient to meet the medical and/or treatment needs and/or
 - c. Has inadequate and/or insufficient IPAC knowledge and processes to protect

resident needs

and requires the Hospital to attend and arrange for staffing and/or expertise in accordance with the actions above and to direct that the Institution provide all necessary care and treatment, or allow for the provision of all necessary care and treatment by health care providers as arranged by the Hospital, to all residents in such a fashion as to contain and stop the COVID-19 outbreak at the Institution.

I am of the opinion, on reasonable and probable grounds that:

- a. a communicable disease exists or may exist or there is an immediate risk of an outbreak of a communicable disease in the health unit served by me;
- b. the communicable disease presents a risk to the health of persons in the health unit served by me;
- c. that the Hospital's Leadership or IPAC Team is required to take or direct such actions at the Institution for the purposes of monitoring, investigating and responding to an outbreak of COVID-19;
- d. that nursing and/or personal support staff coordinated by the Hospital is required to take such actions at the Institution for the purposes of providing care and treatment to the residents in such manner as to monitor, investigate and respond to an outbreak of COVID-19 of COVID-19; and
- e. the requirements specified in this Order are necessary in order to decrease or eliminate the risk to health presented by the communicable disease.

NOTICE

TAKE NOTICE THAT each entity is entitled to a hearing by the Health Services Appeal and Review Board if the member has delivered to me and to the Health Services Appeal and Review Board, 151 Bloor Street West, 9th Floor, Toronto, Ontario, M5S 1S4, notice in writing, requesting a hearing within 15 days after service of this Order or otherwise in accordance with applicable law.

AND TAKE FURTHER NOTICE THAT although a hearing may be requested this Order takes effect when it is delivered to the entity that requests such hearing.

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.



Dr. Hsiu-Li Wang, MD, FRCPC
Commissioner & Medical Officer of Health
Region of Waterloo Public Health & Emergency Services

OFFICE USE ONLY:

Served upon: _____

Time: _____ On: _____

Hand delivered by: _____

Served upon: _____

Time: _____ On: _____

Hand delivered by: _____