Alberta Health

Office of the Chief Medical Officer of Health
10025 Jasper Avenue NW
PO Box 1360, Stn. Main
Edmonton, Alberta T5J 2N3
Canada

RECORD OF DECISION – CMOH Order 04-2022

Re: 2022 COVID-19 Response – Modification of Record of Decision CMOH Order 02-2022, Record of Decision CMOH Order 54-2021, and Record of Decision CMOH Order 57-2021

Whereas I, Dr. Deena Hinshaw, Chief Medical Officer of Health (CMOH) have initiated an investigation into the existence of COVID-19 within the Province of Alberta.

Whereas the investigation has confirmed that COVID-19 is present in Alberta and constitutes a public health emergency as a novel or highly infectious agent that poses a significant risk to public health.

Whereas under section 29(2.1) of the *Public Health Act* (the Act), I have the authority by order to prohibit a person from attending a location for any period and subject to any conditions that I consider appropriate, where I have determined that the person engaging in that activity could transmit an infectious agent. I also have the authority to take whatever other steps that are, in my opinion, necessary in order to lessen the impact of the public health emergency.

Whereas I have determined that it is necessary to revise Record of Decision - CMOH Order 02-2022 to recognize the change of use of Health Canada approved rapid antigen tests and molecular tests.

Whereas I have also determined that is necessary to revise Record of Decision – CMOH Order 02-2022, Record of Decision – CMOH Order 54-2021, and Record of Decision – CMOH Order 57-2021 to amend the definitions of COVID-19 test and PCR test, and to make consequential amendments.

I hereby make the following Order modifying Record of Decision - CMOH Order 02-2022, Record of Decision - CMOH Order 54-2021, and Record of Decision - CMOH Order 57-2021:

1. Record of Decision - CMOH Order 02-2022 is amended as follows:

    (a) Section 2.1(b) is deleted and substituted with the following:

    "confirmed case of COVID-19" means a COVID-19 infection where a person is:

    i. asymptomatic and has taken two rapid antigen tests, not less than 24 hours of each other, and both rapid antigen tests indicate the person is positive for COVID-19;

    ii. symptomatic and has taken one or more rapid antigen tests indicating the person is positive for COVID-19; OR

iii. asymptomatic or symptomatic and has taken a molecular test which indicates the person is positive for COVID-19.

(b) Section 2.1(d) is deleted and substituted with the following:

"COVID-19 test" means a Health Canada approved rapid antigen test or a molecular test approved by Health Canada or the lab accreditation body of the jurisdiction in which the test is performed.

(c) Section 2.1(j) is deleted and substituted with the following:

"molecular test" means a nucleic acid amplification test to detect RNA of SARS-CoV-2 [e.g. Polymerase Chain Reaction (PCR), loop-mediated isothermal amplification (LAMP), rapid molecular test, etc.]. The test may be performed within an approved laboratory or at the point of care using a Health Canada approved test/instrument.

(d) Section 2.1(k) is deleted and substituted with the following:

"rapid antigen test" means a COVID-19 testing device that is listed in authorized medical devices for uses related to COVID-19: *List of authorized testing devices* by Health Canada published on the Government of Canada website and is approved for COVID-19 antigen testing, including but not limited to, symptomatic, asymptomatic, tests performed by a health care professional, tests performed by a lay-person, or self-testing.

(e) In Part 3, all references to "rapid test" or "rapid tests" are deleted and substituted with "rapid antigen test" or "rapid antigen tests" as the context requires.

(f) In Part 3, all references to "PCR test" or "PCR tests" are deleted and substituted with "molecular test" or "molecular tests" as the context requires.

(g) The numbering in section 3.9 is amended by deleting the second reference to subsection (a) and substituting it with subsection (b).

2. Record of Decision - CMOH Order 54-2021 is amended as follows:

(a) Section 2.1(c) is deleted and substituted with the following:

"COVID-19 test" means a Health Canada approved rapid screening test or a molecular test approved by Health Canada or the lab accreditation body of the jurisdiction in which the test is performed which:

i. a person has taken within the last 72 hours;

ii. clearly outlines the laboratory that completed the test, if applicable, the type of test, time of sample collection, and clear indication of negative result; and

iii. is not sourced from Alberta Health Services public COVID-19 testing system.

(b) Section 2.1(r) is deleted and substituted with the following:

"molecular test" means a nucleic acid amplification test to detect RNA of SARS-CoV-2 [e.g. Polymerase Chain Reaction (PCR), loop-mediated isothermal amplification (LAMP), etc.]. The test may be performed within an approved laboratory or at the point of care using a Health Canada approved test/instrument.

(c) By deleting all instances of "Record of Decision – CMOH Order 06-2021" and replacing them with "Record of Decision – CMOH Order 02-2022".

4. Record of Decision – CMOH Order 57-2021 is amended as follows:

(a) Section 2.1(c) is deleted and substituted with the following:

"confirmed case of COVID-19" means a COVID-19 infection where a person is:

i. asymptomatic and has taken two rapid antigen tests, not less than 24 hours of each other, and both rapid antigen tests indicate the person is positive for COVID-19;

ii. symptomatic and has taken one or more rapid antigen tests indicating the person is positive for COVID-19; OR

iii. asymptomatic or symptomatic and has taken a molecular test which indicates the person is positive for COVID-19.

(b) Section 2.1(i) is deleted and substituted with the following:

"molecular test" means a nucleic acid amplification test to detect RNA of SARS-CoV-2 [e.g. Polymerase Chain Reaction (PCR), loop-mediated isothermal amplification (LAMP), rapid molecular test, etc.]. The test may be performed within an approved laboratory or at point-of-care using a Health Canada approved test/instrument.

(c) Section 2.1(j) is deleted and substituted with the following:

"rapid antigen test" means a COVID-19 testing device that is listed in authorized medical devices for uses related to COVID-19: *List of authorized testing devices* by Health Canada published on the Government of Canada website and is approved for COVID-19 antigen testing, including but not limited to, symptomatic, asymptomatic, tests performed by a health care professional, tests performed by a lay-person, or self-testing.

(d) In Part 3, all references to "rapid screening test" or "rapid screening tests" are deleted and substituted with "rapid antigen test" or "rapid antigen tests" as the context requires.

(e) By deleting all instances of "Record of Decision – CMOH Order 06-2021" and replacing them with "Record of Decision – CMOH Order 02-2022".

This Order remains in effect until rescinded by the Chief Medical Officer of Health.

Signed on this 2nd day of February 2022.

Deena Hinshaw, MD
Chief Medical Officer of Health