January 17, 2022

RE: Request for Compassionate Exemption – Order 02-2022 – Confirmed Case of COVID-19 – Urgent End of Life Visitation

Whereas the Chief Medical Officer of Health (CMOH) 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.

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

Further to the above, the CMOH, pursuant to her authority under section 29(2.1) of the Act, made:

- CMOH Order 02-2022 (Order) to protect Albertans from exposure to COVID-19 and to prevent the spread of COVID-19 by requiring persons who are exhibiting symptoms of COVID-19 or are confirmed cases of COVID-19 to be in Isolation.

The CMOH may, pursuant to section 29(2.2) of the Public Health Act and section 5.1 of the Order, exempt in writing persons or classes of persons from the operation of the Order.

In the exemption, the CMOH may, pursuant to section 29(5) of the Public Health Act, incorporate, adopt or declare in force a code, standard, guideline, schedule or body of rules developed by the Minister of Health or the CMOH, as amended or replaced from time to time.

The Office of the CMOH has received requests from Alberta Health Services and other health care facilities for exemptions for individuals who are required to be in isolation in accordance with section 2.1(h) and Part 3 of the Order, to temporarily leave isolation to be present during the End of Life of their loved one or a client of these facilities.
Pursuant to section 5.1 of the Order, I am satisfied that a limited exemption from Part 3 of the Order be granted to the following persons upon the following conditions:

I. Individuals exhibiting symptoms of COVID-19 or individuals with a confirmed case of COVID-19 who are in Isolation, as defined by the Order, and are designated by an administrator or owner of a:
   a. Hospital;
   b. Health Care Facility; or
   c. any other setting in Alberta, which includes a private residence, where services are being provided by employees, contractors or subcontractors of either Alberta Health Services (AHS), Covenant Health or a Health Care Facility;

   as individuals who are required to travel to one of the above identified facilities for the purpose of being present during the End of Life of a loved one or a client.

II. For the purposes of paragraph I and this exemption the terms below have the following meaning:
   a. "Hospital" has the same meaning given to it in the Hospitals Act;
   b. "Health Care Facility" means:
      i. an auxiliary hospital under the Hospitals Act,
      ii. a nursing home under the Nursing Homes Act,
      iii. a designated supportive living accommodation or a licensed supportive living accommodation under the Supportive Living Accommodation Licensing Act;
      iv. a lodge accommodation under the Alberta Housing Act, and
      v. any facility in which residential hospice services are offered or provided by Alberta Health Services or by a service provider under contract with Alberta Health Services.
   c. "End of Life" means:
      i. the imminent end of life of a patient within a Hospital, or
      ii. the last four to six weeks of life of a resident of a Health Care Facility or private residence.

III. AHS will establish such necessary directives, policies, and procedures (Protocols) to ensure a visitation plan and appropriate safety approvals are in place to facilitate visitation of individuals under Isolation in a facility identified in paragraph I for the purposes of this exemption. The Protocols shall be followed by Hospitals, Health Care Facilities, private residences and any other settings in Alberta where services are being provided by employees, contractors or subcontractors of AHS, Covenant Health or a Health Care Facility.
IV. The persons identified in paragraph I shall follow all the Protocols as set by AHS, as may be updated from time to time, for the purposes of entering and attending any Hospital, Health Care Facility, private residence or any other settings in Alberta where services are being provided by employees, contractors or subcontractors of AHS, Covenant Health or a Health Care Facility.

V. Persons described in paragraph I shall Isolate in accordance with the Order except when they are travelling to and from the specified Hospital, Health Care Facility, private residence or any other settings in Alberta where services are being provided by employees, contractors or subcontractors of AHS, Covenant Health or a Health Care Facility.

VI. Persons described in paragraph I shall travel in private vehicles of which they are the only passenger or, if they are not the only passenger, shall, where possible, continuously wear a face mask and distance themselves as much as possible from any other persons in that private vehicle.

VII. The persons described in paragraph I must follow personal protective equipment guidelines (PPE) of public health officials and must wear a mask at all times when outside of their Isolation accommodation.

VIII. The persons described in paragraph I must submit to a health screening upon arrival at the location or facility where the End of Life visitation is to occur and follow any other recommended infection prevention and control precautions of the Hospital, Health Care Facility, private residence or any other settings in Alberta where services are being provided by employees, contractors or subcontractors of AHS, Covenant Health or a Health Care Facility, including but not limited to the requirement to wear a mask within these specified settings.

IX. The exempted persons and entities shall comply with relevant guidelines which may be amended from time found at https://www.alberta.ca/guidance-documents.aspx, any public health guidelines, conditions or requirements that may be provided from time to time in writing by Alberta Health or Alberta Health Services. All other applicable provision of the Order are in effect.

Although the persons described in paragraph I are provided a limited exemption from Isolation, those persons shall continue to engage in appropriate hygiene, maintain a minimum of 2 metres distance from every other person, and other measures identified by public health authorities to protect this person and other Albertans from further transmission of COVID-19.

The exemption will not apply to any persons who would fall under the description in paragraph I if persons fail to comply with the Protocols or precautions described in
paragraphs III to VIII. The administrator or owner of the facility may remove any persons who fail to comply with the Protocols and precautions from the location or facility.

For greater clarity, the administrator or owner of the facility may choose whether to apply this exemption and determine which individuals to designate, per paragraph I.

The exemption may be terminated or modified by the CMOH in writing without notice and for any reason as determined by the CMOH.

This exemption comes into effect on January 17, 2022.

We trust this is satisfactory.

Yours Sincerely,

[Signature]

Deena Hinshaw, BSc, MD, MPH, CCFP, FRCP
Chief Medical Officer of Health for Alberta