

December 22, 2020

RE: EXEMPTION REQUESTS APPROVED FOR EXEMPTION – ORDER 42-2020

Pursuant to the recommendations of the Chief Medical Officer of Health for Alberta, a state of public health emergency was declared in the Province of Alberta on November 24, 2020 pursuant to s. 52.1 of the *Public Health Act* of Alberta.

Further to that declaration of a public health emergency the Chief Medical Officer of Health (CMOH), pursuant to her authority under s. 29(2.1) of the *Public Health Act*, made CMOH Order 42-2020 (the Order) which rescinded CMOH Orders 38-2020 and 39-2020, as modified through Orders 40-2020 and 41-2020, in that CMOH Orders 38-2020 and 39-2020 were insufficient to protect Albertans from exposure to COVID-19 and to prevent the spread of COVID-19.

The purpose of the Order is to help protect Albertans from the exposure to and spread of COVID-19 by prohibiting persons from attending certain locations for certain periods of time and subjecting such persons to any conditions that the CMOH considers appropriate including prohibiting persons from engaging in activities that could transmit an infectious agent and which the CMOH considers necessary in order to lessen the impact of the public health emergency. In addition setting such conditions as the CMOH considers appropriate or necessary on businesses and entities to lessen the impact of the public health emergency when those business or entities are offering goods or services to the public.

Pursuant to Section 47 of the Order the CMOH may exempt in writing persons or classes of persons from the operation of the Order.

The Office of CMOH has received requests to permit the continued operation of certain health and wellness services that cannot currently be provided to the public as per the Order.

The specific request asks that Alberta's massage therapy services providers be allowed to continue providing their services in certain circumstances. Alberta's health regulatory colleges, and individual Albertans have all raised concerns about interrupted access to massage services. It is also the case that regulated chiropractors and physiotherapists frequently work alongside massage therapists and are well positioned to provide appropriate professional judgement and referral to massage therapy services.

Currently Businesses or Entities where wellness services are provided, as per Sections 25, and 27, and Section 5 of Appendix A of the Order, are closed to the public and are not allowed to offer services to the public.

Pursuant to Section 47 of the Order I am satisfied that an exemption from the Order be granted from Sections 25 and 27 of the Order and Section 5 of Appendix A to the following premises and the following persons upon the following conditions:

- i. Subject to paragraphs II to III wellness service businesses or entities that primarily provide massage therapy services by unregulated health practitioners to the public

and unregulated health practitioners who provide massage therapy services, but only when such massage services are provided to a patient or client upon the issuance of prescription by a physician or referral by a member of another health regulatory body for the patient or client to receive massage therapy services;

- II. The wellness service businesses or entities and unregulated health practitioners described in paragraph I shall comply with all the requirements in the most relevant guidelines which may be amended from time-to-time and can be referenced at <https://www.alberta.ca/guidance-documents.aspx>; and
- III. The wellness service businesses or entities and unregulated health practitioners described in paragraph I must follow any further public health measures that may be provided in writing by Alberta Health or Alberta Health Services from time-to-time to that business or entity or unregulated health practitioner.

Although the persons/activities identified above are exempt per Section 47 of the Order as specified, all persons who are identified in this exemption are subject to the appropriate hygiene, masking and other barriers or PPE as appropriate to the activity, distancing of a minimum of two metres from any other persons where possible, and all other measures identified by public health authorities to protect these persons and other Albertans from further transmission of COVID-19.

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 December 22, 2020 and terminates as specified in Schedule A.

We trust this is satisfactory

Yours Sincerely



Deena Hinshaw
Chief Medical Officer of Health for Alberta