



*Office of the Minister
MLA, Calgary - Acadia*

M.O. 629/2020

WHEREAS the Lieutenant Governor in Council made Order in Council 080/2020 under section 52.1(1) of the *Public Health Act* (PHA) on March 17, 2020 declaring a state of public health emergency in Alberta due to pandemic COVID-19 and the significant likelihood of pandemic influenza;

WHEREAS Order in Council 080/2020 has effect for 90 days following March 17, 2020 under section 52.8(1)(a) of the PHA;

WHEREAS section 52.1(3) of the PHA authorizes the Minister of Health (the Minister), to make an order without consultation, to:

- (a) suspend or modify the application or operation of all or part of an enactment, subject to the terms and conditions the Minister prescribes, or
- (b) specify or set out provisions that apply in addition to, or instead of, any provision of an enactment

if the Minister is satisfied that doing so is in the public interest;

WHEREAS Record of Decision – CMOH Order 10-2020 (Order 10-2020) mandates the restriction of movement of staff members among certain health care facilities by ensuring that each staff member works in only one health care facility, and mandates the restriction of movement of staff members among other health care facilities in the case of a confirmed COVID-19 outbreak;

WHEREAS some of the staff members affected by Order 10-2020 also work within the home care sector, and there may be impacts to home care staffing resulting from actions taken by operators of health care facilities, and contractors working within those facilities, to comply with Order 10-2020;

WHEREAS I am satisfied that it is in the public interest to make this order in respect of the PHA because it is necessary to gather information in order to identify any potential impacts to home care staffing described above, and develop options to address any potential gaps in workforce supply in the home care sector;

THEREFORE, I, Tyler Shandro, Minister of Health, pursuant to section 52.1(2) of the *Public Health Act*, do hereby order that:

1. The following is added after section 53(2.5) of the *Public Health Act*:

(2.6) In subsections (2.6) to (2.10),

(a) "contractor" means an individual who, or corporation that, under a contract or sub-contract with a regional health authority, provides or arranges for the provision of home care services;

(b) "home care services" means health care services or support services authorized under the *Co-ordinated Home Care Program Regulation* under the *Public Health Act*;

(c) "staff member" means an individual who provides home care services as an employee of, or under a contract with, a contractor.

(2.7) The Chief Medical Officer may, by written notice, require a contractor to disclose to the Chief Medical Officer and the Department any of the information set out in subsection (2.8).

(2.8) A contractor shall, as soon as is reasonably possible after receiving a notice under subsection (2.7), provide any of the following information identified in the notice to the Chief Medical Officer:

(a) in respect of every staff member of the contractor

- (i) the staff member's name,**
- (ii) the staff member's identification number,**
- (ii) the staff member's social insurance number,**
- (iv) the staff member's contact information,**
- (v) whether the staff member is an employee of, or provides services under a contract with, the contractor,**
- (vi) the staff member's job title and professional designation, and any other information about the staff member's role,**
- (vii) the staff member's category and classification,**
- (viii) the number of hours worked by the staff member when providing home care services within a specified reporting period,**
- (ix) if the staff member is an employee who is a member of a union, the name of the union, and the collective agreement, if any, binding the staff member;**

(b) any other information that is related to the purpose for which the information may be used under subsection (2.9).

(2.9) The Chief Medical Officer and the Department may use the information obtained under subsection (2.8) for the purpose of

- (a) identifying any potential impacts to home care staffing, and
- (b) developing options to address any potential gaps in workforce supply in the home care sector,

resulting from actions taken by operators of health care facilities described in Record of Decision – CMOH Order 10-2020, and contractors working within those facilities, to comply with that order.

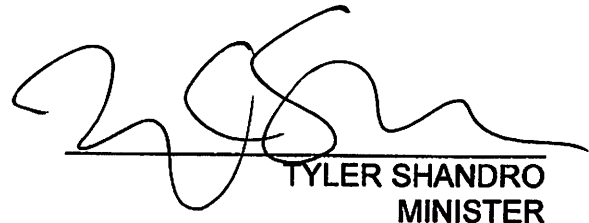
(2.10) The Chief Medical Officer and the Department may disclose the information obtained under subsection (2.8), other than a staff member's social insurance number, to contractors for the same purpose for which the information may be used under subsection (2.9).

This Order is retroactive to April 23, 2020.

This Order lapses, unless it is sooner continued by an order of the Lieutenant Governor in Council under section 52.811(3) of the PHA, at the earliest of the following:

- (a) August 14, 2020;
- (b) 60 days after Order in Council 080/2020 is terminated by the Lieutenant Governor in Council, if Order in Council 080/2020 is terminated before June 15, 2020;
- (c) when this Order is terminated by the Minister under section 52.811(2) of the PHA because the Minister is satisfied that this Order is no longer in the public interest; or
- (d) when this Order is terminated by the Lieutenant Governor in Council under section 52.811(1)(c) of the PHA.

DATED at Edmonton, Alberta this 28 day of April, 2020.


TYLER SHANDRO
MINISTER