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ONTARIO REGULATION

made under the

EMERGENCY MANAGEMENT AND CIVIL PROTECTION ACT

ORDER UNDER SUBSECTION 7.0.2 (4) OF THE ACT - STREAMLINING REQUIREMENTS FOR LONG-TERM CARE HOMES

Whereas an emergency was declared pursuant to Order in Council 518/2020 (Ontario Regulation 50/20) on March 17, 2020 at 7:30 a.m. Toronto time pursuant to section 7.0.1 of the *Emergency Management and Civil Protection Act* (the “Act”);

And Whereas the criteria set out in subsection 7.0.2 (2) of the Act have been satisfied;

Now Therefore, this Order is made pursuant to subsection 7.0.2 (4) of the Act, in particular paragraphs 8, 12 and 14 of that subsection, the terms of which are set out in Schedule 1;

And Further, this Order applies generally throughout Ontario;

And Further, this Order shall be in effect for the duration of the declared emergency, subject to section 7.0.8 of the Act.

SCHEDULE 1

Definition

1. For the purposes of this Order,

“licensee” means a licensee within the meaning of subsection 2 (1) of the *Long-Term Care Homes Act, 2007* (“LTCHA”).

Authority to take necessary measures

2. Licensees shall and are authorized to take any reasonably necessary measure in accordance with this Order to respond to, prevent and alleviate the outbreak of the coronavirus (COVID-19) in a long-term care home.

Same

3. Without limiting the generality of section 2, and despite any requirement set out in the LTCHA or Ontario Regulation 79/10 (General), made under that Act, or any other statute, regulation, order or policy, licensees shall and are authorized to do the following during the emergency, or are not required to do the following during the emergency, as the case may be:

i. Reporting:

- A. Licensees are not required to report any complaints or other information to the Director, other than critical incident reports and mandatory reports required under the LTCHA and Ontario Regulation 79/10.

ii. Documentation:

- A. Licensees are not required to document information unless it involves an incident of a significant nature or is required to ensure the proper care and safety of a resident.
- B. Licensees are not required to immediately document changes to a resident's plan of care required under the LTCHA unless they involve changes of a significant nature or unless there are changes that staff members and others need to be aware of immediately.
- C. Licensees are not required to conduct any survey.
- D. Licensees are not required to post any information in the long-term care home except essential information, such as material related to COVID-19 from the Ministry of Long-Term Care or others.
- E. Regulated documents under the LTCHA are not required to be certified by a lawyer.

iii. Staffing:

- A. Licensees may fill any staff position with the person who, in their reasonable opinion, has the adequate skills, training and knowledge to perform the duties required of that position.
- B. Licensees are not required to ensure that the minimum number of staffing hours set out in the LTCHA and Ontario Regulation 79/10 are met for a position provided that all of the care requirements associated with that position are met.

- C. Licensees are not required to meet the screening measures set out in the LTCHA and Ontario Regulation 79/10 provided that they adopt other measures that ensure resident care and safety.
 - D. Licensees are not required to meet the training and orientation requirements set out in the LTCHA and Ontario Regulation 79/10 provided that they ensure staff and volunteers take measures to ensure resident care and safety.
- iv. Care requirements:
- A. Licensees are not required to hold care conferences at intervals set out in Ontario Regulation 79/10 provided that they ensure care conferences take place based on the clinical needs of the resident.
 - B. Licensees are not required to ensure that a physical examination of a resident occurs annually, but must ensure that a physical examination occurs within a reasonable period of time after the resident's last examination.
- v. Admissions, transfers and discharges:
- A. Licensees may use flexible processes for the admission, transfer and discharge of persons but nothing derogates from the requirements under the LTCHA to seek consent from such persons.
- vi. Licences and management contracts:
- A. Licensees are not required to follow all steps under the LTCHA and Ontario Regulation 79/10 when seeking approval from the Director to obtain a licence or management contract under the LTCHA, unless otherwise required by the Director.
- vii. Administration of drugs:
- A. Licensees may adopt flexible practices related to the administration of drugs to residents provided that the practices are consistent with and within the scope of practice of the person administering the drug. Nothing in this Order prevents a resident from self-administering a drug where they are already permitted to do so under Ontario Regulation 79/10.

Safe and secure environment

4. Nothing in this Order derogates from a licensee's responsibility under the LTCHA to ensure a safe and secure environment for residents.

Licensees shall comply with *Health Protection and Promotion Act*

5. Despite anything in this Order, licensees shall comply with any order or directive issued under the *Health Protection and Promotion Act*.