

RECORD OF DECISION – CMOH Order 01-2022

Re: 2022 COVID-19 Response

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 under section 29(2.1) of the *Public Health Act*, I have the authority to take whatever steps that are, in my opinion, necessary in order to lessen the impact of the public health emergency.

Whereas having determined that it is possible to modify certain restrictions while still protecting Albertans from exposure to COVID-19 and preventing the spread of COVID-19, I hereby make the following order (the Order):

Table of Contents

- Part 1 – Application
- Part 2 – Definitions
- Part 3 – Isolation requirements
- Part 4 – General

Part 1 – Application

- 1.1 This Order applies throughout the Province of Alberta and is effective January 3, 2022.
- 1.2 This Order rescinds Record of Decision CMOH Order 06-2021 and Record of Decision CMOH Order 39-2021.

Part 2 – Definitions

- 2.1 For the purposes of this Order:
 - (a) “asymptomatic” means a person who is not exhibiting COVID-19 symptoms.
 - (b) “confirmed case of COVID-19” means a person who has taken a COVID-19 test that confirms the person is infected by COVID-19.
 - (c) “COVID-19 test” means a Health Canada approved rapid test or a lab based PCR test approved by Health Canada or the lab accreditation body of the jurisdiction in which the test is performed.

(d) "COVID-19 symptoms" means the following symptoms of COVID-19 that are not related to a pre-existing illness or health condition:

- i. cough;
- ii. fever;
- iii. sore throat;
- iv. shortness of breath;
- v. runny nose; or
- vi. loss of taste or smell.

(e) "fully vaccinated" means a person eligible for vaccination who has:

- i. proof of receiving no less than two doses of a World Health Organization approved COVID-19 vaccine in a two dose vaccine series and has had fourteen or more days elapse since the date on which the person received the last dose of vaccine; or
- ii. proof of receiving at least one dose in a World Health Organization approved COVID-19 vaccine in a one dose series and has had fourteen days or more elapse since the date on which the person received the last dose of vaccine.

(f) "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 under the *Supportive Living Accommodation Licensing Act*;
- iv. 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.

(g) "isolation" means the separation of a person from any other person for the purpose of preventing the spread of COVID-19.

(h) "isolation period" means the period of time that a person is required to be in isolation pursuant to this Order.

(i) "PCR test" means the polymerase chain reaction test for COVID-19.

(j) "rapid 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 point-of-care molecular or antigen COVID-19 testing, including but not limited to, Panbio COVID-19 AG Rapid Test Device (nasal), Bd Veritor System For Rapid Detection Of SARS-CoV-2, Id Now COVID-19 and the Spartan COVID-19 System Cube.

(k) "symptoms resolve" means the state when a person's COVID-19 symptoms improve and the person remains afebrile for a period of twenty four hours without using fever reducing medications.

- (l) "symptomatic person" means a person who is exhibiting COVID-19 symptoms which are not related to a pre-existing illness or health condition.

Part 3 – Isolation requirements

General Requirement

3.1 A person is required to be in isolation if the person is:

- (a) exhibiting COVID-19 symptoms; or
- (b) a confirmed case of COVID-19.

For symptomatic persons

3.2 A symptomatic person who is fully vaccinated is required to isolate under section 3.1 and must immediately start isolation and comply with the following restrictions:

- (a) isolate for a minimum period of five days from the first day on which the person exhibits COVID-19 symptoms, or until the person's COVID-19 symptoms resolve, whichever is longer;
- (b) remain at home, and two metres distant from any other person at all times;
- (c) not attend work, school, social events or any other public gatherings; and
- (d) not take public transportation.

3.3 A symptomatic person who is not fully vaccinated is required to isolate under section 3.1 and must immediately start isolation and comply with the following restrictions:

- (a) isolate for a minimum period of ten days from the first day on which the person exhibits COVID-19 symptoms, or until the person's COVID-19 symptoms resolve, whichever is longer;
- (b) remain at home, and two metres distant from any other person at all times;
- (c) not attend work, school, social events or any other public gatherings; and
- (d) not take public transportation.

For asymptomatic persons

3.4 An asymptomatic person who is fully vaccinated and is a confirmed case of COVID-19 is required to isolate under section 3.1 and must immediately start isolation and comply with the following restrictions:

- (a) isolate for a minimum period of five days from on the day on which the asymptomatic person takes a COVID-19 test that indicates the person is a confirmed case of COVID-19;

- (b) remain at home, and two metres distant from any other person at all times;
 - (c) not attend work, school, social events or any other public gatherings; and
 - (d) not take public transportation.
- 3.5 An asymptomatic person who is not fully vaccinated and is a confirmed case of COVID-19 is required to isolate under section 3.1 and must immediately start isolation and comply with the following restrictions:
- (a) isolate for a minimum period of ten days from on the day on which the asymptomatic person takes a COVID-19 test that indicates the person is a confirmed case of COVID-19;
 - (b) remain at home, and two metres distant from any other person at all times;
 - (c) not attend work, school, social events or any other public gatherings; and
 - (d) not take public transportation.
- 3.6 Despite section 3.4, an asymptomatic person who is fully vaccinated and tests positive for COVID-19 using a rapid test and who tests negative using a subsequent rapid test not less than 24 hours later is not required to isolate, unless the person has developed COVID-19 symptoms.
- 3.7 Despite section 3.4, if an asymptomatic person who is fully vaccinated develops COVID-19 symptoms during the isolation period, the person must continue to isolate for five days from the first day on which the person exhibits COVID-19 symptoms or until the COVID-19 symptoms resolve, whichever is later.
- 3.8 Despite section 3.5, if an asymptomatic person who is not fully vaccinated develops COVID-19 symptoms during the isolation period, the person must continue to isolate for 10 days from the first day on which the person exhibits COVID-19 symptoms or until the COVID-19 symptoms resolve, whichever is later.

For Continuing Care residents

- 3.9 All residents of a health care facility, whether fully vaccinated or not, and who are required to isolate under section 3.1, must immediately start isolation and comply with the following restrictions:
- (a) isolate from the first day on which the resident exhibits COVID-19 symptoms, or from the day on which an asymptomatic resident takes a COVID-19 test that indicates the resident is a confirmed case of COVID-19, for a minimum period of ten days or until the resident's COVID-19 symptoms resolve, whichever is longer;
 - (b) remain at the health care facility, and two metres distant from any other person at all times;

- (c) not attend social events or any other public gatherings; and
- (d) not take public transportation.

Requirement to wear a mask

- 3.10 Despite any other CMOH Order in effect that pertains to masking, every person required to isolate for the isolation periods set out in section 3.2 and section 3.4 must wear a mask at all times when in a public place or otherwise in the company of other persons for a period of up to five days following the expiry of the applicable isolation period. The period during which a person is required to mask expires 10 days from the first day on which the person exhibits COVID-19 symptoms or, if the person remains asymptomatic, 10 days from the day on which the person takes a COVID-19 test that indicates the person is a confirmed case of COVID-19. For greater certainty, none of the masking exceptions set out in any CMOH Order in effect applies to a person required to mask under this section 3.10.

Part 4 – Critical Worker Exception

- 4.1 Despite Part 3 of this Order, a person or class of persons is excepted from the application of this Order where the owner or operator of a business, sector or service determines that certain workers are critical to continued safe operations and that a substantive disruption of services would be harmful to the public.
- 4.2 The owner or operator seeking an exception must have a plan for the workers identified in section 4.1 that, at minimum, meets the criteria in Schedule A, to mitigate the risk of the spread of infection from critical workers who would otherwise be required to remain in isolation pursuant to this Order.

Part 5 - General

- 5.1 Notwithstanding anything in this Order, the Chief Medical Officer of Health may exempt a person or classes of persons from the application of this Order.
- 5.2 This Order remains in effect until rescinded by the Chief Medical Officer of Health.

Signed on this 3 day of January, 2022.


Deena Hinshaw, MD
Chief Medical Officer of Health

Schedule A: Critical Worker Isolation Exceptions

1. In this Schedule A,

“Critical Worker” means an individual identified by the owner or operator of a business or entity who is essential to continued safe operations or who provides or is responsible for services that are essential to the safe operation of a business or entity.

2. This exception is only permitted when:

- a) services provided by the business or entity are critical for the ongoing operation of services that impact the public interest;
- b) any substantive service disruption will be detrimental to the public interest;
- c) the individuals otherwise required to be in isolation are asymptomatic or mildly symptomatic; and
- d) all other means of staffing Critical Worker positions have been exhausted.

Risk Hierarchy for Isolation Exception:

3. Wherever possible, the owner or operator should implement the isolation exception for Critical Workers following a least risk to most manner. This prioritizes that the individuals who temporarily leave isolation for critical, in-person work duties are the least likely to transmit infection, in conjunction with the public health criteria and controls below. It is strongly recommended that the hierarchy of risk follows:

- a) Only Critical Workers are eligible for isolation exceptions.
- b) Critical Workers under this Order will be in one of the following categories, with preference in each category to be given first to those who have received a booster dose; then those who are fully immunized; then those who are partially immunized; and finally those who are unimmunized:
 - i. Individuals who test negative for COVID-19 but exhibit mild COVID-19 symptoms
 - ii. Individuals who are asymptomatic but are a confirmed case of COVID-19
 - iii. Individuals who exhibit mild COVID-19 symptoms and who are a confirmed case of COVID-19.

Public health criteria and controls:

4. Attending the business or entity location:
- a) Access to the location is limited to only Critical Workers whose presence is critical to the provision of service, to the extent possible.
 - b) Critical Workers are only permitted to attend the location for the purposes of completing their job duties that require them to be on-site, in-person, to ensure the ongoing functioning of the service.
 - c) All Critical Workers must travel directly to the location, and immediately return to their place of residence until the applicable isolation period is complete.

5. Masking Requirements:

- a) Medical masks are worn to enter and exit the building.
- b) If there is any possibility of a Critical Worker under this exception being in the same room as another person, even temporarily, the Critical Worker under this exception must wear a medical mask at all times during this period of time.
 - i. The other individuals that may be in the same area as the Critical Worker should also wear medical face masks, wherever possible
- c) Critical Workers must have access to medical masks in the event that they need to replace their mask on shift.

6. Work spaces:

- a) Wherever possible, Critical Workers will be alone in their workspace for the duration of their shift.
- b) Work spaces for Critical Workers should include, wherever possible:
 - i. a single office that have been established with doors that can close.
 - ii. located on a separate floor from the general areas and other work spaces in the location.
 - iii. have their own washroom and kitchen facilities which can only be accessed by the Critical Worker.
 - iv. If work spaces are shared by Critical Workers on different shifts, the Critical Worker from the first shift must leave the work space before the Critical Worker from the second shift arrives.
 - v. In between shifts, rooms are thoroughly sanitized with 70% alcohol.
- c) The HVAC system must be functioning properly.

7. Additional Requirements:

- a) The business or entity must develop and implement protocols for COVID-19 that align with this exception and address appropriate hygiene, and all other measures identified by public health authorities to protect these persons and other Albertans from further transmission of COVID-19.
 - i. staff must be trained on these protocols.
- b) The business or entity and Critical Workers must follow any further public health conditions or requirements that relate to public health and safety that may be provided by Alberta Health or Alberta Health Services.