

Summary of Legislative Changes Related to COVID-19

Context

The Ontario Hospital Association (OHA) has prepared the following list of key legislative changes announced by federal and provincial governments related to COVID-19. This list is non-exhaustive and focused on relevant legislative changes affecting the Ontario hospital sector. A comprehensive list of orders can be found [here](#). Additional directives and a non-exhaustive list of policy documents can also be found [below](#).

For further information on all COVID-19 resources, the OHA continues to update its [website](#) regularly with updates from government, including case counts and all relevant guidance documents for members, and will continue to do so as the situation evolves. Please note that this information provided is for general information purposes and does not constitute legal advice or opinion.

Provincial

Effective Date	Title	Description	Links & Additional Info
May 5, 2020	Order Extending and Renewing Existing Orders	<ul style="list-style-type: none"> Order under the <i>Emergency Management and Civil Protection Act</i> (EMCPA) extending all emergency orders that have been put in place to-date under s.7.0.2 (4) of the EMCPA until <u>May 19, 2020</u>. This extension includes, without limitation, the closure of outdoor amenities in parks and recreational areas, non-essential workplaces, public places and bars and restaurants, along with restrictions on social gatherings and orders related to health service providers. 	<ul style="list-style-type: none"> Order Announcement
May 4, 2020	Order regarding Treatment of Temporary COVID-19 Related Payments to Employees	<ul style="list-style-type: none"> Order under the EMCPA temporarily suspending subsections 11(1) – 11(2) and 19(1) – 19(2) of the <i>Protecting a Sustainable Public Sector for Future Generations Act, 2019</i> (Bill 124) and establishing replacement provisions for the duration of the temporary suspension period. The replacement provisions <u>exclude</u> from Bill 124’s compensation increase limits “any temporary COVID-19 related payments received by employees in relation to work performed during the temporary suspension period” subject to the conditions listed for represented employees [subsections 11(1)-(2)] and for non-represented employees [subsections 19(1)-19(2)]. This order is retroactive to April 24, 2020 and applies generally throughout Ontario. For further details, please refer to the attached links. 	<ul style="list-style-type: none"> Order Bill 124

Effective Date	Title	Description	Links & Additional Info
May 1, 2020	Order regarding the Hospital Credentialing Process	<ul style="list-style-type: none"> • Order under the EMCPA granting hospitals the authority and flexibility to appoint, re-appoint and grant privileges to medical and other professional staff, in order to address potential surge volumes due to COVID-19. • The order states, among other things, that the “board of a hospital, or any of the hospital's authorized officers, may take, with respect to any aspect of the hospital's credentialing process, any reasonably necessary measure to respond to, prevent and alleviate the outbreak of the coronavirus (COVID-19).” • Subsection 4(1) lists the actions that may be taken by hospitals or an authorized officer of the hospital if it is “reasonably necessary” to respond to, prevent and alleviate the outbreak of COVID-19. These actions include, without limitation, the ability to: <ul style="list-style-type: none"> ○ Identify medical, dental, midwifery and extended class nursing staff needs and priorities and do any of the following, despite any credentialing process that may apply: <ul style="list-style-type: none"> ▪ i) Appoint a physician, dentist, midwife or extended class nurse to any department of the medical, dental, midwifery or extended class nursing staff of the hospital, as the case may be, and determine the nature and scope of privileges assigned to them. ▪ ii) Reappoint, continue or extend the appointment of, or extend the time for the application for reappointment of, any member of the medical, dental, midwifery or extended class nursing staff of the hospital. ▪ iii) Determine the nature and scope of privileges assigned to a member of the medical, dental, midwifery or extended class nursing staff of the hospital. ○ Collect information from medical, dental, midwifery and extended class nursing staff about their availability to provide services for the hospital. ○ Collect information from medical, dental, midwifery and extended class nursing staff about their likely or actual exposure to the Virus [COVID-19], any positive test results for the Virus [COVID- 	<ul style="list-style-type: none"> • Announcement • Order

Effective Date	Title	Description	Links & Additional Info
		<p>19], or about any other health conditions that may affect their ability to provide services.</p> <ul style="list-style-type: none"> Pursuant to subsection 4(2) of the order, these measures apply despite: <ul style="list-style-type: none"> i) any provision of any other statute, regulation, order, policy or by-law; ii) any provision of an arrangement or agreement; iii) any provision of a by-law, rule, regulation, policy or procedure of a hospital; and iv) the terms of the appointment of a physician, dentist, midwife or extended class nurse or the nature or scope of privileges assigned to them. For further details, including definitions and the scope of the “credentialing process” as defined in the order, please refer to the attached links. 	
May 1, 2020	Order on Access to Personal Health Information by means of the Electronic Health Record	<ul style="list-style-type: none"> Order under the EMCPA granting the Chief Medical Officer of Health or a medical officer of health the ability to use the “electronic health record” to collect personal health information, subject to the conditions detailed in the order. Relevant for hospitals, pursuant to section 3, a “coroner, or a registered nurse who has been appointed under subsection 16.1 (1) of the <i>Coroners Act</i> to exercise the investigative powers and duties of a coroner, may use the electronic health record to collect personal health information” when the following conditions are met: <ul style="list-style-type: none"> i) The health information custodian who provided the personal health information to Ontario Health would be authorized or required to disclose the personal health information to the coroner or registered nurse if the coroner or registered nurse had directly requested or demanded it from the health information custodian. ii) The coroner or registered nurse would be authorized to collect the personal health information if they had directly requested or demanded it from the health information custodian. iii) The coroner or registered nurse has been authorized by the Chief Coroner to use the electronic health record to collect personal health information. 	<ul style="list-style-type: none"> Announcement Order

Effective Date	Title	Description	Links & Additional Info
		<ul style="list-style-type: none"> ○ iv) The coroner or registered nurse requires the personal health information for any purpose related to exercising their powers or performing their duties under the <i>Coroners Act</i>. • For further details, please refer to the attached links. 	
May 1, 2020	Order regarding Medical Certificates of Death	<ul style="list-style-type: none"> • Order under the EMCPA which applies to registered nurses who have been appointed under subsection 16.1 (1) of the <i>Coroners Act</i> to exercise the investigative powers and duties of a coroner and whose appointment was in effect on May 1, 2020. • Pursuant to the conditions detailed in sections 3 and 4 of the order, a registered nurse is authorized to complete a medical certificate of death and to copy or duplicate a medical certificate of death, in accordance with their appointment under subsection 16.1 of the <i>Coroners Act</i>. For further details, please refer to the attached links. 	<ul style="list-style-type: none"> • Announcement • Order
May 1, 2020	Amending Order regarding Limitation Periods	<ul style="list-style-type: none"> • Order under the EMCPA which amends O. Reg. 73/20 to extend the general limitation period suspension in section 2 of O. Reg. 73/20 to now apply to hospital credentialing by-laws. The order adds a new section 2.1 which state the following: <p>“For greater certainty and without limiting the generality of section 2, section 2 applies to by-laws made by the boards of hospitals under the <i>Public Hospitals Act</i> that relate to the hospital's credentialing process, as defined in section 1 of Ontario Regulation **/20 (Order Under Subsection 7.0.2 (4) of the Act-Hospital Credentialing Processes) made under the Act.</p> <p>**Note: Citation to the regulation filed under file number Reg 2020.0310 will be inserted on filing of this regulation.”</p> • For further details, please refer to the attached links. 	<ul style="list-style-type: none"> • Amending Order • O. Reg. 73/20
April 29, 2020	Amending Order regarding Closure of	<ul style="list-style-type: none"> • Order under the EMCPA amending existing O. Reg 51/20 to expand the list of essential workers eligible to receive emergency childcare during the COVID-19 outbreak. 	<ul style="list-style-type: none"> • Amending Order • Announcement

Effective Date	Title	Description	Links & Additional Info
	Establishments and Emergency Child Care	<ul style="list-style-type: none"> The new order amends O. Reg. 51/20 to now include, among others: <ul style="list-style-type: none"> An individual who is <ul style="list-style-type: none"> i) a regulated health care professional, ii) is an unregulated health care provider working in health care delivery, either directly or indirectly, <u>or</u> iii) supports the delivery of care provided by an individual listed in subparagraph i or ii. Staff and volunteers as defined in the <i>Retirement Homes Act</i>; and Licensees as defined in the <i>Retirement Homes Act</i> who are individuals and who work or provide services at a retirement home. The expanded list will now be inclusive of “auxiliary workers in health care settings, including cooks and cleaning staff in hospitals and long-term care homes” based on the government’s announcement. For further details, please refer to the attached links. 	<ul style="list-style-type: none"> Child Care for Health and Frontline Staff
April 24, 2020	Amending Order regarding Work Deployment for Health Service Providers in Long-Term Care Homes	<ul style="list-style-type: none"> Order under the EMCPA amending existing O. Reg. 74/20 to allow health service providers to redeploy staff and provide assistance to long-term care homes. Key changes include, without limitation, amending Schedule A of O. Reg 74/20 to add the following paragraphs: <ul style="list-style-type: none"> Despite any other statute, regulation, order, policy, arrangement or agreement, including a collective agreement, health service providers are “authorized to assist long-term care homes including, without limitation, by providing assessments in relation to a long-term care home's infection prevention and control program, by providing clinical supervision within a long-term care home and by providing nursing and personal support services, including assistance with feeding, to residents of a long-term care home.” In the circumstances described in the paragraph above, the following rules apply for the duration of the order: <ul style="list-style-type: none"> i) Staff of a health service provider who provide assistance within a long-term care home remain staff of the health service provider. 	<ul style="list-style-type: none"> Amending Order Announcement

Effective Date	Title	Description	Links & Additional Info
		<ul style="list-style-type: none"> ▪ ii) The provision of assistance shall not impact whether the health service provider and the licensee of the long-term care home are treated as constituting one employer for the purposes of subsection 1(4) of the <i>Labour Relations Act, 1995</i>. ▪ iii) The health service provider shall not, by virtue of providing the assistance, be considered to have sold a part of its business to the licensee of the long-term care home for the purposes of section 69 of the <i>Labour Relations Act, 1995</i>. <ul style="list-style-type: none"> • For further details, please refer to the attached links. 	
April 24, 2020	Amending Order regarding Meetings of Corporations	<ul style="list-style-type: none"> • Order under the EMCPA amending O. Reg. 107/20 which suspended operation of various <i>Corporations Act</i> and <i>Business Corporations Act</i> provisions to enable flexible meeting requirements. • The Amending Order's changes are detailed and include, without limitation: <ul style="list-style-type: none"> ○ Temporarily suspending the operation of subsection 93(3) of the <i>Corporations Act</i> and creating rules for responding to poll requests; ○ Temporarily suspending the operation of subsection 97(1) of the <i>Corporations Act</i> and revising the rules on information to be laid before an annual meeting; ○ Temporarily suspending the operation of subsection 287(1) of the <i>Corporations Act</i> and creating rules for the election of directors; ○ Additional changes to the <i>Business Corporations Act</i> and <i>Co-operative Corporations Act</i>, among others. • For further details, please refer to the attached link. 	<ul style="list-style-type: none"> • Amending Order
April 24, 2020	Order regarding Congregate Care Settings	<ul style="list-style-type: none"> • Order under the EMCPA limiting a staff member's ability to work in multiple locations for a "congregate care setting service agency", defined as including entities in the developmental services sector, violence against women/anti-human trafficking sector, and intervenor services sector. 	<ul style="list-style-type: none"> • Order • Announcement

Effective Date	Title	Description	Links & Additional Info
		<ul style="list-style-type: none"> Similar to existing long-term care home and retirement home orders, this order requires employees to identify to their congregate care setting employer that they are subject to the order by no later than <u>9:00am on April 27, 2020</u>. By <u>12:01am on April 30, 2020</u>, a staff member of a congregate care setting service agency who performs work in a residence operated by the agency shall not also perform work as a staff member of a different congregate care setting service agency in the same sector in a residence operated by the different agency. <ul style="list-style-type: none"> Note that the requirements of the order do not apply with respect to a staff member who can “perform all of their work for congregate care setting service agencies by working or providing services remotely.” Posting and outbreak notification requirements are also included in the order. For further details, please refer to the attached links. 	
April 24, 2020	Amending Order regarding Service Agencies	<ul style="list-style-type: none"> Order under the EMCPA amending O. Reg. 121/20 to permit the inclusion of “intervenor service providers” as entities which may adopt work deployment and staffing measures to respond to, prevent and alleviate the outbreak of COVID-19. An “intervenor service provider” is defined as a transfer payment recipient funded by the Ministry of Children, Community and Social Services that provides intervenor services for persons who are deafblind. For further details, please refer to the attached links. 	<ul style="list-style-type: none"> Amending Order Announcement
April 22, 2020	Order Extending and Renewing Existing Orders	<ul style="list-style-type: none"> Order under the EMCPA extending all emergency orders that have been put in place to-date under s.7.0.2 (4) of the EMCPA until <u>May 6, 2020</u>. This extension includes, without limitation, the closure of outdoor amenities in parks and recreational areas, non-essential workplaces, public places and bars and restaurants, along with restrictions on social gatherings and limiting staff from working in more than one retirement home or long-term care home. 	<ul style="list-style-type: none"> Order Announcement

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April 22, 2020	Order regarding Work Deployment Measures for Mental Health and Addictions Agencies	<ul style="list-style-type: none"> Order under the EMCPA to facilitate the ability of mental health and addictions agencies to implement redeployment plans to respond to the COVID-19 pandemic. <ul style="list-style-type: none"> A “mental health and addictions agency” is defined in the order as a not-for-profit entity that (a) provides community mental health and addictions services, and (b) receives funding from the Ministry of Health or from a Local Health Integration Network (LHIN). Similar to previous EMCPA orders, this order permits mental health and addictions agencies to take “reasonably necessary” work deployment and staffing measures to respond to, prevent and alleviate the outbreak of COVID-19. All measures are subject to the conditions listed in the orders. For further details, please refer to the attached links. 	<ul style="list-style-type: none"> Order Announcement
April 22, 2020	Amending Order regarding Signatures in Wills and Powers of Attorney	<ul style="list-style-type: none"> Order under the EMCPA amending existing O. Reg. 129/20 to provide that wills and powers of attorney may now be signed in counterparts, pursuant to the conditions detailed in the order. For further details, please refer to the attached link. 	<ul style="list-style-type: none"> Amending Order
April 16, 2020	Order regarding Work Deployment Measures for Municipalities	<ul style="list-style-type: none"> Order under the EMCPA to allow municipalities to implement redeployment plans to respond to the COVID-19 pandemic. Similar to previous work deployment orders under the EMCPA, this order permit municipalities to take “reasonably necessary” work deployment and staffing measures to respond to, prevent and alleviate the outbreak of COVID-19. All measures are subject to the conditions listed in the order. For further details, please refer to the attached links. 	<ul style="list-style-type: none"> Order Announcement
April 16, 2020	O. Reg. 159/20 (<i>Ambulance Act</i>)	<ul style="list-style-type: none"> The government has introduced a regulation amending O. Reg. 257/00 (the “Regulation”) under the <i>Ambulance Act</i> to allow for the following changes, among others: <ul style="list-style-type: none"> Section 5 of the Regulation is amended to state that during a period when an emergency has been declared to exist throughout Ontario under the <i>Emergency Management and Civil Protection</i> 	<ul style="list-style-type: none"> O. Reg. 159/20 Ambulance Act Memorandum Announcement

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		<p>Act, the operator of a land ambulance service may “employ or engage, or continue to employ or engage, a person who does not meet the requirements set out in clause 7 (4) (b), but who has successfully completed a program referred to in clause 7 (4) (a), to provide patient care as an emergency medical attendant on a full-time or part-time basis or as a full-time volunteer, and the operator may continue to employ or engage such a person for a period of 420 consecutive days after the completion of the program, even if the declaration of emergency has ceased to apply.”</p> <ul style="list-style-type: none"> ○ Section 6 of the Regulation is amended to remove the 12-month recertification requirement during a period “when an emergency has been declared to exist throughout Ontario under the <i>Emergency Management and Civil Protection Act</i>; and during the three-month period after the declaration of emergency has ceased to apply.” ○ Section 7 of the Regulation is amended to expand the scope of who may be considered an “emergency medical attendant” to now include individuals currently registered as “a student in a paramedic program of a College of Applied Arts and Technology or an institution approved by the Director, during a period when an emergency has been declared to exist throughout Ontario under the <i>Emergency Management and Civil Protection Act</i> and during the six-month period after the declaration of emergency has ceased to apply.” • For further details, please refer to the attached memo and links. 	
April 16, 2020	Order regarding Deployment of Employees of Service Provider Organizations	<ul style="list-style-type: none"> • Order under the EMCPA governing redeployment requests for contracted service provider organizations. Pursuant to section 2 of the order, the following rules apply for the duration of the order: <ul style="list-style-type: none"> ○ Despite any statute, regulation, policy, arrangement or agreement that provides otherwise, a local health integration network (LHIN) is authorized to request that a contracted service provider organization provide health care and related social services, other than community services within the meaning of the <i>Home Care</i> 	<ul style="list-style-type: none"> • Order • Announcement

Effective Date	Title	Description	Links & Additional Info
		<p><i>and Community Services Act, 1994</i>, in a setting identified by the LHIN, and the LHIN is also authorized to fund those services.</p> <ul style="list-style-type: none"> ○ A contracted service provider organization is authorized to accept a request made by a LHIN and to deploy its employees to provide the requested services, despite any statute or regulation that provides otherwise. ○ An employee of a contracted service provider organization is <u>not required</u> to agree to provide the requested services. • A “contracted service provider organization” is defined in the order as, with respect to the LHIN, a “person who provides homemaking services, personal support services or professional services within the meaning of the <i>Home Care and Community Services Act, 1994</i> purchased by the local health integration network”. • Despite anything in the order, LHINs and contracted service provider organizations are still required to comply with any other order issued under the EMCPA or with any order or directive issued under the <i>Health Protection and Promotion Act</i> as it relates to them. • For further details, please refer to the attached links. 	
April 16, 2020	Order Limiting Work to a Single Retirement Home	<ul style="list-style-type: none"> • Similar to the previous EMCPA order for long-term care homes, this order prevents employees working in a retirement home, as defined in the <i>Retirement Homes Act, 2010</i> (RHA), from working at multiple locations or at other health services providers. • The order requires employees to identify to their retirement home employer whether they have a job at any other health service provider (including a hospital) by <u>9:00am on April 20, 2020</u>. • As is the case with the previous EMCPA order, by <u>12:01am on April 22, 2020</u>, an employee of a licensee under the RHA cannot work for another site of the same retirement home employer, another licensee under the RHA, or any other health services provider (including a hospital). • Posting requirements are also included in the order. For further details, please refer to the attached links. 	<ul style="list-style-type: none"> • Order • Announcement

Effective Date	Title	Description	Links & Additional Info
April 16, 2020	Order for District Social Services Administration Boards	<ul style="list-style-type: none"> Order under the EMCPA to facilitate the ability of “district social services administration boards” governed by the <i>District Social Services Administration Boards Act</i> to implement redeployment plans to respond to the COVID-19 pandemic. Similar to previous EMCPA orders, this order permits district social services administration boards to take “reasonably necessary” work deployment and staffing measures to respond to, prevent and alleviate the outbreak of COVID-19. All measures are subject to the conditions listed in the orders. For further details, please refer to the attached link. 	<ul style="list-style-type: none"> Order Announcement
April 14, 2020	Order Limiting Work to a Single Long-Term Care Home	<ul style="list-style-type: none"> Order under the EMCPA which restricts employees who have jobs with a long-term care provider from working at multiple locations or other health services providers, including retirement homes. The order requires employees to identify to their long-term care employer whether they have a job at any other health service provider (including a hospital) or retirement home by <u>5:00 p.m. on April 17, 2020</u>. It further requires that by <u>12:01 a.m. on April 22, 2020</u>, any employee who works for a long-term care employer cannot work for another site of the same long-term care employer, or any other health services provider (including a hospital) or retirement home. The order sets out protections for employees who by its effect are restricted to working for a single employer, including the provision of a leave of absence and protections from other obligations to their other place of employment. A long-term care provider is required to post a copy of the order in “a conspicuous and easily accessible location” in the long-term care home and in a manner that complies with the regulations made under the <i>Long-Term Care Homes Act, 2007</i>. The order was released alongside the government’s <i>COVID-19 Action Plan: Long-Term Care Homes</i>. A copy of this publication, along with further details on the order, can be accessed at the attached links. 	<ul style="list-style-type: none"> Order Announcement COVID-19 Action Plan: Long-Term Care Homes

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April 14, 2020	Bill 189	<ul style="list-style-type: none"> The government has introduced and passed Bill 189, <i>the Coronavirus (COVID-19) Support and Protection Act, 2020</i>. Bill 189 is focused primarily on education and municipal stakeholders, with targeted amendments to the <i>Education Act, Planning Act, Development Charges Act, Police Services Act</i> and the <i>Ministry of Training, Colleges and Universities Act</i> in response to COVID-19. Relevant to hospitals with involvement in current municipal planning projects, Schedule 4 of Bill 189 amends the <i>Planning Act</i> to allow the government to suspend certain planning decision timelines during a declared state of emergency. <ul style="list-style-type: none"> These changes will temporarily pause the need for municipalities and planning boards to make planning decisions within specified timelines without the risk of appeal. If municipalities choose to process planning applications, they may still do so by holding virtual/electronic public meetings and making decisions on planning matters during the COVID-19 outbreak. For further details, please refer to the attached links. 	<ul style="list-style-type: none"> Bill 189 Announcement Summary of Changes
April 14, 2020	Declaration of Emergency (Extension)	<ul style="list-style-type: none"> On the advice of the Chief Medical Officer of Health (CMOH) and with the approval of the Ontario legislature, the government has extended the Declaration of Emergency under the EMCPA for a further 28 days, until <u>May 12, 2020</u>. For further details, please refer to the attached links. 	<ul style="list-style-type: none"> Order Announcement
April 14, 2020	Order for Service Agencies (Violence Against Women Residential Services and Crisis Line)	<ul style="list-style-type: none"> Order under the EMCPA to facilitate the ability of service agencies to implement redeployment plans to respond to the COVID-19 pandemic. Similar to previous EMCPA orders, this order permits prescribed service agencies operating under the <i>Violence Against Women Support Services program</i> and the <i>Anti-Human Trafficking Community Supports program</i> to take “reasonably necessary” work deployment and staffing measures to respond to, prevent and alleviate the outbreak of COVID-19. All measures are subject to the conditions listed in the orders. For further details, please refer to the attached link. 	<ul style="list-style-type: none"> Order

Effective Date	Title	Description	Links & Additional Info
April 14, 2020	Amending Order regarding Work Deployment Measures for Long-Term Care Homes	<ul style="list-style-type: none"> Order under the EMCPA amending existing order (O. Reg. 77/20) for work deployment measures in long-term care homes. Sub-paragraph of 3(i)(A) is revoked and the following substituted: <ul style="list-style-type: none"> “Redeploying employees so that any particular employee is not providing services at more than one long-term care home operated or maintained by the health service provider.” 	<ul style="list-style-type: none"> Amending Order
April 11, 2020	Order Extending and Renewing Existing Orders	<ul style="list-style-type: none"> Order under the EMCPA extending all emergency orders that have been put in place to-date under s.7.0.2 (4) of the EMCPA until <u>April 23, 2020</u>. This extension includes, without limitation, the closure of outdoor amenities in parks and recreational areas, non-essential workplaces, public places and bars and restaurants, along with restrictions on social gatherings and the prohibition of price gouging. 	<ul style="list-style-type: none"> Order / Order Announcement
April 9, 2020	Order for Temporary Health or Residential Facilities	<ul style="list-style-type: none"> Order under the EMCPA exempting the construction of a “temporary health or residential facility, the conversion of all or part of an existing building or structure to a temporary health or residential facility and the use of a temporary health or residential facility” from the following statutory requirements: <ul style="list-style-type: none"> Obtaining a permit under section 8 or 10 of the <i>Building Code Act, 1992</i>. Complying with Ontario Regulation 332/12 (Building Code) made under the <i>Building Code Act, 1992</i>. Complying with any by-laws passed under section 34 or 38 of the <i>Planning Act</i>. Complying with section 41 of the <i>Planning Act</i> or section 114 of the <i>City of Toronto Act, 2006</i>. Additional conditions for occupancy following construction, among other rules, are set out in the order. This order is retroactive to March 17, 2020. For further details, please refer to the attached link. 	<ul style="list-style-type: none"> Order
April 9, 2020	Order regarding Agreements between	<ul style="list-style-type: none"> Order under the EMCPA which applies in circumstances where a health service provider, including a hospital, and the licensee of a retirement home have, in response to the emergency, “entered into an agreement 	<ul style="list-style-type: none"> Order

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	Health Service Providers and Retirement Homes	<p>or any other arrangement to have the retirement home provide alternative space, accommodation or care services for patients of the health service provider, or former patients of the health service provider who were discharged during the emergency, on a temporary, short-term basis.”</p> <ul style="list-style-type: none"> • If these circumstances are established, this order creates the following rules, among others: <ul style="list-style-type: none"> ○ The agreement or arrangement shall not impact whether the health service provider or the retirement home are considered to be a hospital for the purposes of the <i>Hospital Labour Disputes Arbitration Act</i>. ○ The agreement or arrangement shall not impact whether the health service provider and the licensee of the retirement home are treated as constituting one employer for the purposes of subsection 1 (4) of the <i>Labour Relations Act, 1995</i>. ○ The health service provider shall not, by virtue of the agreement or arrangement, be considered to have sold a part of its business to the licensee of the retirement home for the purposes of section 69 of the <i>Labour Relations Act, 1995</i>. • For further details, please refer to the attached link. 	
April 7, 2020	Order regarding Signatures in Wills and Powers of Attorney	<ul style="list-style-type: none"> • Order under the EMCPA stating that for the duration of the declared emergency the following applies: <ul style="list-style-type: none"> ○ <u>Wills</u> - a requirement under the <i>Succession Law Reform Act</i> that a testator or witnesses be present or in each other's presence for the making or acknowledgment of a signature on a will or for the subscribing of a will may be satisfied by means of audio-visual communication technology provided that at least one person who is providing services as a witness is a licensee within the meaning of the <i>Law Society Act</i> at the time of the making, acknowledgment or subscribing. ○ <u>Powers of Attorney</u> – a requirement under the <i>Substitute Decisions Act, 1992</i> that witnesses be present for the execution of a power of attorney may be satisfied by means of audio-visual communication technology provided that at least one person 	<ul style="list-style-type: none"> • Order

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		<p>who is providing services as a witness is a licensee within the meaning of the <i>Law Society Act</i> at the time of the execution.</p> <ul style="list-style-type: none"> The term “audio-visual communication technology” is defined as “any electronic method of communication in which participants are able to see, hear and communicate with each other in real time.” 	
April 3, 2020	Order regarding Access to COVID-19 Status Information by Specified Persons	<ul style="list-style-type: none"> Order under the EMCPA allowing specified persons, including various persons listed under the <i>Police Services Act</i> and the <i>Fire Protection and Prevention Act</i>, to request COVID-19 status information from specified custodians. “COVID-19 status information” means, in relation to an individual, the individual’s name, address and date of birth and whether the individual has had a positive test for the COVID-19 coronavirus. “Specified custodians” include, without limitation, laboratories licensed under the <i>Laboratory and Specimen Collection Centre Licensing Act</i>. Upon request, the specified custodians shall “take all reasonable steps to ensure that any COVID-19 status information that is within the custodian’s custody or control is disclosed in a timely manner to the person making the request” subject to the conditions listed in the order. For further details, please refer to the attached links. 	<ul style="list-style-type: none"> Order Announcement
April 3, 2020	Order for Service Agencies	<ul style="list-style-type: none"> Order under the EMCPA to facilitate the ability of service agencies governed by the <i>Services and Supports to Promote the Social Inclusion of Persons with Developmental Disabilities Act</i> to implement redeployment plans to respond to the COVID-19 pandemic. Similar to previous EMCPA orders, this order permits service agencies to take “reasonably necessary” work deployment and staffing measures to respond to, prevent and alleviate the outbreak of COVID-19. All measures are subject to the conditions listed in the orders. For further details, please refer to the attached link. 	<ul style="list-style-type: none"> Order
April 3, 2020	Order regarding Essential Workplaces	<ul style="list-style-type: none"> Order under the EMCPA updating the existing essential workplace order and requiring all businesses not listed on the essential workplace list to close effective 11:59 pm on Saturday, April 4, 2020. 	<ul style="list-style-type: none"> Announcement List of Essential Workplaces

Effective Date	Title	Description	Links & Additional Info
		<ul style="list-style-type: none"> The closure will be in effect for 14 days, with the possibility of an extension as the situation evolves. Hospitals are included as essential workplaces pursuant to paragraph 39 of the listed entities. 	
April 2, 2020	Orders for Retirement Homes and Boards of Health	<ul style="list-style-type: none"> Orders under the EMCPA to facilitate the ability of retirement homes and boards of health to implement redeployment plans to respond to the COVID-19 pandemic. Similar to previous health service provider and long-term care home orders, these orders permit retirement homes and boards of health to take “reasonably necessary” work deployment and staffing measures to respond to, prevent and alleviate the outbreak of COVID-19. All measures are subject to the conditions listed in the orders. For further details, please refer to the attached links. 	<ul style="list-style-type: none"> Order (Retirement Homes) Order (Boards of Health) Announcement
March 30, 2020	Order regarding Meetings of Corporations	<ul style="list-style-type: none"> Order under the EMCPA suspending operation of various <i>Corporations Act</i> and <i>Business Corporations Act</i> provisions to enable flexible meeting requirements. Changes include, without limitation: <ul style="list-style-type: none"> Permitting meeting by telephonic or electronic means and deeming attendance by same [OCA, subsection 125.1(1)] Extending the time for annual general meetings if the last meeting fell within the period of the declared emergency [OCA, subsections 293(1)-(3)] This order is retroactive to March 17, 2020. For further details, please refer to the attached link. 	<ul style="list-style-type: none"> Order
March 30, 2020	Order Extending and Renewing Existing Orders	<ul style="list-style-type: none"> Order under the EMCPA which extends various existing orders past their previously applicable revocation date. A new revocation date (April 13, 2020) now applies to the following: <ul style="list-style-type: none"> O. Regs. 51/20 and 52/20 (Declaration and Emergency Closures) <ul style="list-style-type: none"> Previous applicable revocation date (March 31, 2020) O. Reg. 74/20 (Order for Health Service Providers) <ul style="list-style-type: none"> Previous applicable revocation date (April 4, 2020) O. Reg. 77/20 (Order for Long-Term Care Homes) <ul style="list-style-type: none"> Previous applicable revocation date (April 6, 2020) 	<ul style="list-style-type: none"> Order Announcement

Effective Date	Title	Description	Links & Additional Info
		<ul style="list-style-type: none"> ○ O. Reg. 82/20 (Closure of Places of Non-Essential Businesses) <ul style="list-style-type: none"> ▪ Previous applicable revocation date (April 7, 2020) ○ O. Reg. 95/20 (Order for Long-Term Care Homes) <ul style="list-style-type: none"> ▪ Previous applicable revocation date (April 10, 2020) • For further details, please refer to the attached link. 	
March 28, 2020	Order regarding Prohibited Public Events and Social Gatherings	<ul style="list-style-type: none"> • Order under the EMCPA prohibiting organized public events and social gatherings of more than five people, effective immediately. • The order does not apply to private households with five or more people, or to operating childcare centres supporting frontline health care workers and first responders provided the number of persons at each centre does not exceed 50 people. • Funerals are permitted to proceed with up to 10 people at one time. 	<ul style="list-style-type: none"> • Order • Announcement
March 28, 2020	Order for Long-Term Care Homes	<ul style="list-style-type: none"> • Order under the EMCPA to ensure that staffing and resources are available to help care for and protect long-term care residents during the COVID-19 crisis. • These temporary measures, further to the March 23, 2020 order, provide further flexibility for long-term care homes and allow homes to redirect their staffing and financial resources to essential tasks (see section 3 of the order for further details). • Notwithstanding the order's contents, nothing in the order derogates from a licensee's responsibility under the <i>Long-Term Care Homes Act</i> to ensure a "safe and secure environment" for residents. 	<ul style="list-style-type: none"> • Order • Announcement
March 27, 2020	O. Reg. 91/20 & O. Reg. 92/20 (Supply Chain Management Act)	<ul style="list-style-type: none"> • The government has introduced regulations under the <i>Supply Chain Management Act</i> (SCMA) to enable the Ministry of Government and Consumer Services and the Ministry of Health to centrally manage public sector supply chains. • O. Reg. 91/20 designates hospitals as a "health sector entity" under the SCMA, while O. Reg. 92/20 requires hospitals and other health sector entities to provide the Ministry of Health with the following information, upon request: <ul style="list-style-type: none"> ○ current inventories and future inventory requirements; ○ current and future procurement activities; 	<ul style="list-style-type: none"> • O. Reg. 91/20 • O. Reg. 92/20 • Announcement

Effective Date	Title	Description	Links & Additional Info
		<ul style="list-style-type: none"> ○ supply chain opportunities, contingencies and constraints; ○ any other information related to supply chain management or vendor performance that the Deputy Minister or designee specifies. • Pursuant to section 3(3) of O. Reg. 92/20, hospitals may continue to utilize existing arrangements for procuring a good or service if it considers it necessary or advisable to do so in response to coronavirus (COVID-19) and any issues related to the response to and recovery from coronavirus (COVID-19), provided hospitals comply with Ministry of Health reporting requirements, among other things. 	
March 27, 2020	Order regarding Personal Protective Equipment (PPE)	<ul style="list-style-type: none"> • Order under the <i>Health Protection and Promotion Act</i> (HPPA) which requires health care provider organizations, including hospitals, to provide information relating to their PPE inventories to Ontario Health on a daily basis. • Appendix to the Order (the corresponding excel spreadsheet) sets out the categories of PPE (masks, eye protection, gloves, gowns, booties, hand sanitizer, disinfectant wipes and swabs) that hospitals must provide in three categories: regular inventory, pandemic inventory, and expired inventory. • Order indicates that hospitals should submit the required information using the Daily Bed Census tool. 	<ul style="list-style-type: none"> • Order • Appendix (Spreadsheet) • Memo
March 25, 2020	Bill 188	<ul style="list-style-type: none"> • The government introduced and passed Bill 188, <i>the Economic and Fiscal Update Act, 2020</i>. • Bill 188 was announced alongside <i>Ontario's Action Plan: Responding to COVID-19</i>, which included approximately \$3.3 billion to support frontline health care workers and increase capacity in response to the COVID-19 outbreak. • The OHA has prepared a non-exhaustive review of Bill 188 (see backgrounder). 	<ul style="list-style-type: none"> • Bill 188 • Announcement • Backgrounder
March 24, 2020	Order regarding Essential Workplaces	<ul style="list-style-type: none"> • Order under the EMCPA announcing that effective 11:59 p.m. on Tuesday, March 24, all non-essential businesses will be ordered to close for 14 days, and possibly longer. 	<ul style="list-style-type: none"> • Order • Announcement • List of Essential Workplaces

Effective Date	Title	Description	Links & Additional Info
		<ul style="list-style-type: none"> This order is made further to the emergency declaration on March 17, 2020 under the EMCPA. Hospitals are included as essential workplaces pursuant to paragraph 54 of the listed entities. 	
March 23, 2020	Order for Long-Term Care Homes	<ul style="list-style-type: none"> Order under the EMCPA to facilitate the ability of long-term care homes to implement redeployment plans to respond to the COVID-19 pandemic. Further details are provided in the order. This order applies to redeployment activities within or across facilities and locations of a long-term care provider. All orders under the EMCPA will be valid for 14 days unless revoked or renewed in accordance with the statute. 	<ul style="list-style-type: none"> Order Announcement
March 21, 2020	Order for Health Service Providers	<ul style="list-style-type: none"> Order under the EMCPA to facilitate the ability of health service providers, including hospitals, to implement redeployment plans to respond to the COVID-19 pandemic. Specifically, the order states that regardless of any collective agreement, statute, regulation, order, policy, arrangement or agreement, the order authorizes health service providers to take “any reasonably necessary measure to respond to, prevent and alleviate the outbreak of the coronavirus for patients.” The order does <u>not</u> suspend all provisions of the collective agreement or employment agreement. Instead, it focuses on granting health service providers the authority to take the steps reasonably necessary to staff regardless of any provisions of a collective agreement, statute, policy, employment agreement and so on. All orders under the EMCPA will be valid for 14 days unless revoked or renewed in accordance with the statute. Further details are provided in the order. 	<ul style="list-style-type: none"> Order Announcement
March 20, 2020	Order suspending Limitation Periods	<ul style="list-style-type: none"> Order under the EMCPA establishing the following: <ul style="list-style-type: none"> any provision of any statute, regulation, rule, by-law or order of the Government of Ontario establishing any limitation period 	<ul style="list-style-type: none"> Order

Effective Date	Title	Description	Links & Additional Info
		<p>shall be suspended for the duration of the emergency, and the suspension shall be retroactive to Monday, March 16, 2020.</p> <ul style="list-style-type: none"> ○ any provision of any statute, regulation, rule, by-law or order of the Government of Ontario establishing any period of time within which any step must be taken in any proceeding in Ontario, including any intended proceeding, shall, subject to the discretion of the court, tribunal or other decision-maker responsible for the proceeding, be suspended for the duration of the emergency, and the suspension shall be retroactive to Monday, March 16, 2020. 	
March 20, 2020	Amending Regulation (Long-Term Care Homes Act)	<ul style="list-style-type: none"> • Prior to issuing the order in respect of LTC homes on March 23, the government made a number of enabling amendments to the General Regulation under the <i>Long-Term Care Homes Act</i> (LTCHA). 	<ul style="list-style-type: none"> • Amending Regulation
March 19, 2020	Bills 186 and 187	<ul style="list-style-type: none"> • The government introduced and passed Bill 186, the <i>Employment Standards Amendment Act (Infectious Disease Emergencies)</i>, 2020, and Bill 187, the <i>Municipal Emergency Act</i>, 2020. • Given its relevance for Ontario hospitals, the OHA prepared a non-exhaustive review of Bill 186 (see backgrounder). • Bill 186 amends the <i>Employment Standards Act, 2000</i> (ESA) to address when emergency leave is available to employees in the case of infectious disease emergencies. Specifically, the changes to section 50.1 of the ESA create an unpaid leave of absence for employees unable to work due to the defined circumstances in the legislation. 	<ul style="list-style-type: none"> • Bill 186 / Bill 187 • Announcement • OHA Backgrounder
March 17, 2020	Declaration of Emergency (EMPCA)	<ul style="list-style-type: none"> • The government ordered the immediate closure of select establishments and prohibition on public gatherings over 50 persons, among other things, as detailed in the announcement. • The emergency declaration shall remain in place until <u>March 31, 2020</u>, at which point it will be reassessed. 	<ul style="list-style-type: none"> • Order / Order / Order • Announcement • OHA Backgrounder

Provincial Directives and Policy Guidance

Additional directives from the Chief Medical Officer of Health (Ontario) and select policy guidance can be found below. A comprehensive list of guidance from Ontario Health, the Ministry of Health and the Ministry of Long-Term Care can be found [here](#) and [here](#).

- May 5, 2020: [Memorandum on Emergency Orders relating to Credentialing for Professional Staff](#) / [BPS Consolidation Reporting Deadline](#)
- May 4, 2020: [COVID 19 Guidance – Home and Community Care Providers](#) / [Hospice Care](#)
- May 3, 2020: [Memorandum on Access to Secondary Residences](#)
- May 2, 2020: [OHA Guiding Principles for Redeployment to Long-Term Care](#) / [Backgrounder](#)
- May 1, 2020: [Updated Guidelines on Temporary Physician Funding](#) / [FAQs](#)
- April 30, 2020: [Memorandum on Amended Emergency Order O. Reg. 74/20 \(Assisting Long-Term Care\)](#) / [FAQs](#)
- April 29, 2020: [Memorandum on Transfer of Hospital Patients and Community Clients to Long-Term Care Homes](#)
- April 27, 2020: [Provincial Guidance – A Framework for Reopening our Province](#)
- April 26, 2020: [Memorandum on Regional COVID-19 Staffing Response in Support of Long-Term Care Homes](#)
- April 25, 2020: [Memorandum on Hospital COVID-19 Expense Tracking and Reporting](#) / [Additional Guidance](#) / [Data Collection Form](#)
- April 25, 2020: [Directive \(Long-Term Care Homes Act\) – COVID-19: Supporting Long-Term Care Homes](#) (effective April 24, 2020)
- April 25, 2020: [Memorandum on Emergency Order to Support Hospitals in Assisting Long-Term Care Response](#) / [FAQs](#)
- April 23, 2020: [Memorandum on Transfer of Hospital Patients to Retirement Homes](#)
- April 21, 2020: [Memorandum on Testing in Long-Term Care Homes](#)
- April 19, 2020: [OHA Recommendations to Facilitate Hospital Staffing Support to Long-Term Care](#)
- April 17, 2020: [Memorandum on Temporary Physician Funding](#) / [Guidelines](#)
- April 17, 2020: [Memorandum on Hospital Supports for Long-Term Care](#)
- April 15, 2020: [CMOH Directive #3 for Long-Term Care Homes](#) / [Memorandum](#) / [Outbreak Guidance](#) / [Guidance on Mask Use](#) (updated)
- April 15, 2020: [Memorandum on Temporary Pause for Patient Transfers from Hospital to Long-Term Care and Retirement Homes](#)
- April 10, 2020: [CMOH Directive #5 for Hospitals on Personal Protective Equipment](#) / [FAQs](#) / [Technical Brief](#) / [Guidance](#) (updated)
- April 6, 2020: [Memorandum on the Use of Alternate Health Facilities and Temporary Structures](#) / [Checklist](#)
- April 4, 2020: [Ontario Health Guidance for Multi-Employer Health Care Workers](#) / [Work Refusals](#) / [Hospital Employee Sick Pay](#)
- April 2, 2020: [Memorandum on the Use of Hotels and Retirement Homes](#) / [Guidance](#)
- March 30, 2020: [CMOH Directive #4 for Ambulance Services and Paramedics](#) (updated)
- March 30, 2020: [CMOH Directive #1 for Health Care Providers and Health Care Entities](#) (updated)
- March 30, 2020: [Ministry of Health – Memorandum on Tracking and Payment for Uninsured Patients](#)
- March 30, 2020: [Ministry of Health – Hospital Classification under subsection 32.1\(1\) of the *Public Hospitals Act*](#)

- March 27, 2020: [Ministry of Health – Memorandum to Hospitals on LTC Admissions and Discharge / FAQs](#)
- March 26, 2020: [Ministry of Health – General Approval under subsection 4\(2\) of the *Public Hospitals Act*](#)
- March 20, 2020: [Ministry of Health – Ontario Drug Benefit Program Changes and Guidance](#)
- March 19, 2020: [CMOH Directive #2 for Health Care Providers](#)

Federal

Effective Date	Title	Description	Additional Information & Links
April 11, 2020	Bill C-14 (<i>COVID-19 Emergency Response Act, No. 2</i>)	<ul style="list-style-type: none"> • Federal government introduces and passes the <i>COVID-19 Emergency Response Act, No. 2</i>. Relevant details include, among other things: <ul style="list-style-type: none"> ○ <u>Part 1</u>: amends the <i>Income Tax Act</i> to introduce an emergency wage subsidy as part of the response to the coronavirus disease 2019 (COVID-19). ○ <u>Part 2</u> amends Part IV.1 of the <i>Financial Administration Act</i> to provide that certain provisions of that Act, as enacted by the <i>COVID-19 Emergency Response Act</i>, cease to have effect on the day after September 30, 2020. 	<ul style="list-style-type: none"> • Announcement • Bill C-14 (COVID-19 Emergency Response Act, No. 2)
April 7, 2020	Health Canada Regulatory Notice for N95 Respirator Reprocessing	<ul style="list-style-type: none"> • Health Canada has issued a regulatory notice stating that decontamination of single-use N95 respirators for reuse is being considered along with other conservation strategies to ensure the continued availability of these devices. • Health Canada is currently monitoring and assessing the acceptability of various decontamination and sterilization methods/strategies for the reprocessing of single use N95 respirators in the context of the COVID-19 outbreak. • With regard to reprocessing and decontamination on-site by hospitals, Health Canada will continue to respect the current oversight provided at the provincial / territorial level and guidance provided by the Public Health Agency of Canada. • Health Canada will continue to update the notice as more information becomes available. 	<ul style="list-style-type: none"> • Notice • Background Information
March 25, 2020	Self-Isolation Requirements	<ul style="list-style-type: none"> • Federal Health Minister Patty Hajdu has announced that as of midnight ET on March 25, 2020, all returning Canadian travelers must go into self-isolation. This measure will be enforced through 	<ul style="list-style-type: none"> • Order • Announcement

Effective Date	Title	Description	Additional Information & Links
	under the <i>Quarantine Act</i>	<p>measures in the Quarantine Act (with penalties including criminal sanctions or fines).</p> <ul style="list-style-type: none"> Unclear if statutory exemptions for “essential” workers will be included; the OHA is currently seeking confirmation. 	
March 25, 2020	Bill C-13 (<i>COVID-19 Emergency Response Act</i>)	<ul style="list-style-type: none"> Federal government introduces and passes the COVID-19 Emergency Response Act. Relevant details include, among other things, the following: <ul style="list-style-type: none"> <u>Part 1</u> implements, as part of the response to the coronavirus disease 2019 (i.e. COVID-19), certain income tax measures by (a) introducing a one-time additional payment under the GST/HST tax credit; (b) providing temporary additional amounts under the Canada Child Benefit; (c) reducing required minimal withdrawals from registered retirement income funds by 25% for 2020; and (d) providing eligible small employers a temporary wage subsidy for a period of three months. <u>Part 2</u> enacts the Canada Emergency Response Benefit Act to authorize the making of income support payments to workers who suffer a loss of income for reasons related to the coronavirus disease 2019. <u>Part 3</u> enacts the Public Health Events of National Concern Payments Act, which authorizes payments to be made out of the Consolidated Revenue Fund in relation to public health events of national concern. It also provides for the repeal of the Act on September 30, 2020. <u>Part 7</u> amends the Federal-Provincial Fiscal Arrangements Act to authorize additional payments to the provinces and territories for the fiscal year beginning on April 1, 2019. <u>Part 9</u> amends the Food and Drugs Act to, among other things, authorize the Governor in Council to make regulations, (a) requiring persons to provide information to the Minister of Health; and (b) preventing shortages of therapeutic products in Canada or alleviating those shortages or their effects, in order to protect human health. 	<ul style="list-style-type: none"> Announcement Bill C-13 (COVID-19 Emergency Response Act)

Effective Date	Title	Description	Additional Information & Links
		<ul style="list-style-type: none"> ○ <u>Part 10</u> amends the Canada Labour Code to, among other things, create a regime which provides for a leave related to COVID-19 of up to 16 weeks. It also amends that Act to provide for the repeal of that regime and to provide for a quarantine leave under the medical leave regime. ○ <u>Part 12</u> amends the Patent Act to, among other things, provide that the Commissioner must, on the application of the Minister of Health, authorize the Government of Canada and any person specified in the application to make, construct, use and sell a patented invention to the extent necessary to respond to a public health emergency that is a matter of national concern. ○ <u>Division 1 of Part 18</u> amends the Employment Insurance Act to give the Minister of Employment and Social Development the power to make interim orders for the purpose of mitigating the economic effects of COVID-19. ○ <u>Division 2 of Part 18</u> provides that every reference in any provision of the Employment Insurance Act and of regulations made under it to a certificate issued by a medical doctor or other medical professional or medical practitioner or by a nurse practitioner is deemed to be of no effect and that any benefit that would have been payable to a claimant had such a certificate been issued is payable to the claimant if the Canada Employment Insurance Commission is satisfied that the claimant is entitled to the benefit. 	
March 18, 2020	COVID-19 Emergency Response Plan	<ul style="list-style-type: none"> • Federal government announces financial help through the COVID-19 Economic Response Plan for Canadians and businesses facing hardship as a result of the COVID-19 outbreak. • Details to be provided in upcoming legislation (see <i>COVID-19 Emergency Response Act</i>). 	<ul style="list-style-type: none"> • N/A