

June 2, 2021

**MEMORANDUM TO:** Public Hospitals  
 Private Hospitals  
 Ontario Health  
 Ontario Hospital Association  
 Home and Community Care Support Services  
 The Ontario Long-Term Care Association  
 AdvantAge Ontario  
 The Ontario Retirement Communities Association  
 Retirement Homes Regulatory Authority  
 Association of Management, Administrative and Professional Crown  
 Employees of Ontario  
 Canadian Union of Public Employees  
 Canadian Office and Professional Employees  
 Ontario Council of Hospital Unions  
 Ontario Nurses Association  
 Ontario Public Service Employees Union  
 Services Employees International Union Healthcare  
 Unifor

**FROM:** Helen Angus  
 Deputy Minister  
 Ministry of Health

**RE:** **Amendment and Extension: O. Reg. 272/21 (Transfer of Hospital Patients) and O. Reg 271/21 (Work Redeployment for Local Health Integration Networks and Ontario Health) under the *Emergency Management and Civil Protection Act***

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The Government of Ontario continues to implement a wide array of measures to protect the health and safety of Ontarians, including expanding the necessary supports for Ontario public hospitals to focus on delivering patient care, adding capacity, and enabling hospitals to make the best use of their capacity.

On April 7, 2021, the Government of Ontario declared a third provincial emergency under the *Emergency Management and Civil Protection Act* (EMCPA) in response to the third wave of the COVID-19 pandemic. This memo provides updates on two orders issued under the EMCPA that relate to supporting hospital capacity.

#### Ontario Regulation 272/21

On April 9, 2021, with COVID-19-related hospitalizations and intensive care unit (ICU) admissions increasing rapidly, the Government took action to maximize acute care and critical care capacity across the province, including by issuing an emergency order under the EMCPA (O. Reg. 272/21), which authorizes hospitals to transfer patients to alternate hospital sites without consent in situations where a hospital's resources are imminently at risk of becoming overwhelmed and the other conditions specified within the order are met. On April 28, 2021, the scope of this emergency order was expanded to enable the potential transfer of patients designated as Alternate Level of Care with a destination of long-term care to long-term care homes (LTCHs) and retirement homes (RHs) where necessary to prevent harm in response to a major surge event.

There have been no reported cases of patients being transferred to LTCHs and RHs under the authority of this order. In view of some of the improvements to health system conditions that have been observed in recent days, it has been determined that the most recent emergency order measures relating to LTCH and RH transfers are no longer necessary. Accordingly, effective June 2, 2021, the provisions in O. Reg. 272/21 relating to LTCH and RH transfers are revoked. However, due to persistently high ICU occupancy rates and the extreme operational pressures that many hospitals continue to face, the provisions in the emergency order that authorize hospital-to-hospital transfers under specified conditions will continue in effect until **June 16, 2021** unless further extended in accordance with the EMCPA.

#### Ontario Regulation 271/21

On April 9, 2021 the Government made another emergency order, O.Reg. 271/21 (Work Redeployment for Local Health Integration Networks and Ontario Health), which authorizes Home and Community Care Support Services (otherwise known as Local Health Integration Networks) and Ontario Health to redeploy their staff to hospitals and authorizes the redeployment of staff between Home and Community Care Support Services organizations to backfill staff redeployed to hospitals. The order was subsequently amended on April 23, 2021 to authorize redeployments to LTCHs and RHs, in addition to hospitals.

In view of some of the improvements to health system conditions noted above, the low number of outbreaks in LTCHs, and the experience of redeployment to date, it has been determined that the recent amendment to authorize redeployment to LTCHs and RHs is no longer required. Accordingly, effective June 2, 2021, the provisions in O. Reg. 271/21 relating to LTCH and RH redeployments are revoked.

Due to persistently high ICU occupancy rates and the extreme operational pressures that many hospitals continue to face, also noted above, the provisions in the emergency order related to redeployment to hospitals and between Home and Community Care Support Services organizations will continue in effect until **June 16, 2021** unless further extended in accordance with the EMCPA.

Ontario Health and Home and Community Care Support Services should continue to focus on identifying staff volunteers as a primary measure for redeployment.

Thank you for all that you and your organizations are doing to protect the health and safety of the people of Ontario during the COVID-19 pandemic.

Sincerely,



Helen Angus  
Deputy Minister

- c: Mr. Richard Steele, Deputy Minister, Ministry of Long-Term Care
- Ms. Denise Cole, Deputy Minister, Ministry for Seniors and Accessibility
- Ms. Erin Hannah, Associate Deputy Minister, LTC Pandemic Response, Ministry of Long-Term Care
- Ms. Melanie Fraser, Associate Deputy Minister, Health Services, Ministry of Health