

Ministry of Health

Office of Chief Medical Officer of
Health, Public Health
Box 12
Toronto ON M7A 1N3

Ministère de la Santé

Bureau du médecin hygiéniste
en chef, santé publique
Boîte à lettres 12
Toronto ON M7A 1N3

**Instructions issued by the Office of the Chief Medical Officer of Health****ALL PREVIOUS VERSIONS OF INSTRUCTIONS ISSUED TO LICENSED RETIREMENT HOMES ARE REVOKED AND REPLACED WITH THESE INSTRUCTIONS.**

WHEREAS under subsection 2(2.1) of Schedule 1 and Schedule 4 of [O. Reg. 364/20:Rules for Areas at Step 3 and at the Roadmap Exit Step](#) under the [Reopening Ontario \(A Flexible Response to COVID-19\) Act, 2020](#) (ROA) the person responsible for a business or organization that is open shall operate the business or organization in compliance with any advice, recommendations and instructions issued by the Office of the Chief Medical Officer of Health (OCMOH):

- a) requiring the business or organization to establish, implement and ensure compliance with a COVID-19 vaccination policy; or
- b) setting out the precautions and procedures that the business or organization must include in its COVID-19 vaccination policy.

AND WHEREAS:

- some staff within the meaning of the [Retirement Homes Act, 2010](#),¹ contractors, volunteers, and students working in retirement homes and visitors to retirement homes remain unvaccinated, posing risks to residents;
- due to age-related conditions and co-morbidities, retirement home residents face higher risk of serious illness and death due to COVID-19; and
- vaccines provide the best protection against COVID-19.

AND HAVING REGARD TO the prevalence of variants of concern such as Omicron globally and within Ontario, which has increased transmissibility compared to previous COVID-19 virus strains, in addition to the declaration by the World Health Organization (WHO) on March 11, 2020 that COVID-19 is a pandemic virus and the spread of COVID-19 in Ontario;

AND HAVING REGARD TO the need to take interim steps to optimize protection and to take a precautionary approach for the emerging and more transmissible COVID-19 Omicron variant of concern (B.1.1.529) in light of the uncertainty around the mechanisms for increased transmissibility for this variant and of its rapid replacement of previous variants of the COVID-19 virus in Ontario.

I AM THEREFORE OF THE OPINION that instructions from the OCMOH must be issued to establish mandatory COVID-19 vaccination policies in retirement homes within the meaning of the [Retirement Homes Act, 2010](#) that are licensed under the Act.

¹ "Staff" in the *Retirement Homes Act, 2010*, in relation to a retirement home, means every person who works or provides services at the home,

- (a) as an employee of the licensee,
- (b) pursuant to a contract or agreement with the licensee, or
- (c) pursuant to a contract or agreement between the licensee and an employment agency or other third party

Date of Issuance: December 24, 2021

Effective Date: Every Retirement Home (as defined below) must update their established COVID-19 vaccination policy and implement it by no later than December 24, 2021 in accordance with these instructions.

Issued To: Retirement homes within the meaning of the [Retirement Homes Act, 2010](#) that are licensed under the Act (herein referred to as “**Retirement Home**”).

Required Precautions and Procedures

1. Every Retirement Home must establish, implement and ensure compliance with a COVID-19 vaccination policy requiring all staff within the meaning of the [Retirement Homes Act, 2010](#), and all contractors, students, volunteers, and visitors² (collectively, “**Required Individuals**”) to provide:
 - a) proof of full vaccination³ against COVID-19; or
 - b) if they are staff, contractors, students or volunteers, a document, completed and supplied by a physician or registered nurse in the extended class, that sets out:
 - (i) a documented medical reason for not being fully vaccinated against COVID-19, and
 - (ii) the effective time-period for the medical reason;If the effective time period of a medical exemption provided pursuant to paragraph 1(b)(ii) has expired, every Retirement Home shall ensure, within 30 days of the medical exemption expiring, that the individual provides either proof of vaccination in accordance with subsection 1(a) or an extension to the medical exemption with a renewed date in accordance with subsection 1(b); or
 - c) if they are staff, contractors, students or volunteers, proof of completing an educational session approved by the Retirement Home about the benefits of COVID-19 vaccination prior to declining vaccination for any reason other than a medical reason. The approved session must, at

² Visitors: includes General Visitors, Essential Visitors (includes Support Workers and Essential Caregivers), and Personal Service Providers as defined in the Retirement Homes Regulatory Authority’s Retirement Homes Policy to Implement Directive #3 (released December 20, 2021 or as current), with the exception of External Care Providers (ECPs) who provide services to residents and are not staff or contractors of the retirement home but are employees, staff or contractors of Home and Community Care Support Services (HCCSS) (formerly Local Health Integration Networks (LHINs)), public hospitals or ambulance services who are subject to the vaccination policies required under Directive #6 issued by the Chief Medical Officer of Health.

³ For the purposes of this document, a person is fully vaccinated against COVID-19 if the person is fully vaccinated as described in section 2.1 of Schedule 1 to [O. Reg. 364/20: Rules for Areas at Step 3 and at the Roadmap Exit Step](#) under the ROA.

minimum address:

- (i) how COVID-19 vaccines work;
 - (ii) vaccine safety related to the development of the COVID-19 vaccines;
 - (iii) the benefits of vaccination against COVID-19;
 - (iv) risks of not being vaccinated against COVID-19; and
 - (v) possible side effects of COVID-19 vaccination.
2. Where a visitor does not provide proof of vaccination, they may be permitted entry only if they have complied with the applicable requirements set out in the [Retirement Homes Policy to Implement Directive #3](#).
 3. Despite section 1, a Retirement Home may decide to remove the option set out in subsection 1(c) and require all staff, contractors, students or volunteers to either provide the proof required in subsections 1(a) or (b).
 4. Where a Retirement Home decides to remove the option set out in subsection 1(c) as contemplated in section 2, the Retirement Home shall make available to staff, contractors, students or volunteers an educational session that satisfies the requirements of subsection 1(c).
 5. Every Retirement Home's vaccination policy shall require that⁴:
 - a) Where a Required Individual:
 - (i) Has provided proof of full vaccination under subsection 1(a) and is a staff member, contractor, student, volunteer or Essential Caregiver⁵: submit to regular antigen point of care testing for COVID-19 and demonstrate a negative result, at intervals to be determined by the Retirement Home, which must be at minimum twice every seven days.
 - (ii) Has not provided proof of full vaccination under subsection 1(a) **OR** is a Support Worker, Personal Care Service Provider or a General Visitor, regardless of vaccination status: submit to regular antigen point of care testing for COVID-19, and demonstrate a negative result, prior to entry. Results are valid for a calendar day.

⁴ If a Retirement Home has made reasonable efforts but has an inadequate supply of antigen point of care tests to comply with this requirement, that Retirement Home can require all Required Individuals to submit to regular antigen point of care testing for COVID-19 and demonstrate a negative result, at intervals to be determined by the Retirement Home, which must be at minimum once every seven days.

⁵ Pursuant to Retirement Homes Regulatory Authority's Retirement Homes Policy to Implement Directive 3, Essential Caregivers are designated as such by retirement home residents or by their substitute decision maker and provide care to a resident.

- b) An External Care Provider subject to the vaccination policies required under Directive #6 issued by the Chief Medical Officer of Health shall submit to regular antigen point of care testing for COVID-19 regardless of their vaccination status and demonstrate a negative result prior to entry. Results are valid for a calendar day.

Required Individuals referred to in subsection 5(a) and External Care Providers referred to in subsection 5(b) must provide verification of the negative test result⁶ in a manner determined by the Retirement Home that enables the Retirement Home to confirm the result at its discretion.

- 6. Every Retirement Home shall ensure that information on COVID-19 vaccination requirements is communicated to all Required Individuals.

- 7. Every Retirement Home must collect, maintain, and disclose statistical (non-identifiable) information as follows:

- a) documentation that includes (collectively, the “**Statistical Information**”):

- (i) the number of staff, contractors, students, volunteers, and Essential Caregivers that provided proof of being fully vaccinated against COVID-19;
- (ii) the number of staff, contractors, students, volunteers, and Essential Caregivers that provided proof of receiving additional doses exceeding the number of doses required for full vaccination against COVID-19;
- (iii) the number of staff, contractors, students and volunteers who provided a documented medical reason for not being fully vaccinated against COVID-19;
- (iv) the number of staff, contractors, students, and volunteers that completed an educational session about the benefits of COVID-19 vaccination in accordance with subsection 1(c); and
- (v) the total number of the Retirement Home’s staff, contractors, students, volunteers, and Essential Caregivers to whom these Instructions apply.

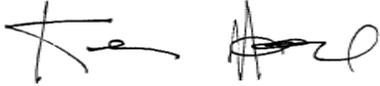
- b) disclose the Statistical Information to the Ministry for Seniors and Accessibility (**MSAA**) and the Retirement Homes Regulatory Authority (**RHRA**) in the manner and within the timelines specified by MSAA and RHRA. MSAA and RHRA may seek additional detail within the requested Statistical Information outlined above which will also be specified in the request. MSAA may further disclose this Statistical Information and may make it publicly available.

⁶ Please note that if an individual has tested positive for COVID-19 in the past 30 days, antigen point of care testing is not recommended. In this instance, the individual shall provide proof of a positive COVID-19 result in the past 30 days. Once the 30-day period has passed, the individual will be required to complete regular antigen point of care testing, as noted above.

Questions

Retirement Homes may contact the Ministry for Seniors and Accessibility at RHInquiries@ontario.ca or the Retirement Homes Regulatory Authority at info@rhra.ca with questions or concerns about these Instructions.

Retirement Homes are also required to comply with applicable provisions of the [Occupational Health and Safety Act](#) and its Regulations.

A handwritten signature in black ink, appearing to read 'Kieran Moore', with a stylized flourish at the end.

Kieran Michael Moore MD, CCFP (EM), FCFP, MPH, DTM&H, FRCPC, FCAHS
Chief Medical Officer of Health