

Minister's Directive: COVID-19: LONG-TERM CARE HOME SURVEILLANCE TESTING AND ACCESS TO HOMES

Effective **December 17, 2021**

Ministry of Long-Term Care

Minister's Directive: **COVID-19: Long-Term Care Home Surveillance Testing and Access to Homes**

This Minister's Directive is issued pursuant to s. 174.1 of the *Long-Term Care Homes Act, 2007* (Act), which authorizes the Minister of Long-Term Care to issue operational or policy directives respecting long-term care homes where the Minister considers it in the public interest to do so. Every Licensee shall carry out every operational or policy directive that applies to the long-term care home.

This Directive is effective as of December 17, 2021. This Directive updates and replaces the previous version of this Directive dated October 15, 2021.

This Directive relates to surveillance testing and access to long-term care homes that are not experiencing an outbreak of COVID-19. Additional measures apply in an outbreak situation, including measures as per local public health direction and measures contained in Directive #3 for Long-Term Care Homes issued by the Chief Medical Officer of Health.

Definitions

All terms in this Directive have the same meaning as under the Act and Ontario Regulation 79/10 under the Act, unless otherwise defined.

The following definitions apply for the purpose of this Directive:

Antigen Test means a point-of-care rapid antigen test for the novel coronavirus known as COVID-19 where the test kit has been obtained from Ontario Health and is taken in accordance with Rapid Antigen Screening Guidance.

Caregiver means a type of visitor who is visiting the home to provide direct care to meet the essential needs of a particular resident. Caregivers must be at least 18 years of age and must be designated by the resident or his/her substitute decision-maker (if any). Direct care includes providing support or assistance to a resident that includes providing direct physical support (for example, eating, bathing and dressing) and/or providing social and emotional support.

Confirmed COVID-19 Infection means a positive diagnostic COVID-19 result, confirmed through a laboratory-based PCR Test, or through a Molecular Point-of-Care Test that was taken following a positive Antigen Test.

Directive #3 means Directive #3 for Long-Term Care Homes under the *Long-Term Care Homes Act, 2007* issued under section 77.7 of the *Health Protection and Promotion Act* (HPPA), R.S.O. 1990, c. H.7, by the Chief Medical Officer of Health, as amended from time to time.

Fully Vaccinated Against COVID-19 has the same meaning as [in the Ministry of Health guidance: COVID-19 Fully Vaccinated Status in Ontario](#), as amended from time to time.

General Visitor means a person who is not an essential visitor and is visiting the home to provide non-essential services related to either the operations of the home or a particular resident or group of residents. [This excludes children under the age of one.](#)

Licensee has the same meaning as under the Act.

Molecular Point-of-Care Test means a point-of-care test for the novel coronavirus known as COVID-19 that may be used to confirm a positive test result following an Antigen test.

Ontario Health means the corporation continued under section 3 of the *Connecting Care Act, 2019*.

PCR Test means a validated real-time polymerase chain reaction (PCR) assay laboratory test for the novel coronavirus known as COVID-19.

Rapid Antigen Screening Guidance means the Ministry of Health's [COVID-19 Guidance: Considerations for Antigen Point-of-Care Testing](#), effective August 25, 2021 or as amended, with the exclusion of the Frequency of Antigen POCT provisions.

Regulated Health Profession has the same meaning as under Ontario Regulation 79/10.

Staff has the same meaning as under the Act.

Student Placement means a person working in the long-term care home as part of a clinical placement requirement of an educational program of a college or university, who does not meet the definition of "Staff" or "Volunteer".

Support Worker means a person who visits a home to provide support to the critical operations of the home or to provide essential services to a resident. Essential services include, but are not limited to, services provided by regulated health professionals, emergency services, social work, moving services, legal services, post-mortem services, maintenance and repair services, food and nutrition services, water and drink delivery services, mail, delivery and courier services, assistive devices program vendors, and election / voting services.

Volunteer has the same meaning as under the Act.

I hereby issue the following Directive with respect to every long-term care home:

1. **Test Frequency.** Every Licensee shall ensure that:

1.1 **Staff, Caregivers, Student Placements and Volunteers.** Subject to the exceptions in section 3, 4.1, and 5 of this Directive, as applicable, every Licensee shall ensure that all Staff, Caregivers, Student Placements and Volunteers working in or visiting a long-term care home, **whether indoors or outdoors**, take:

- a. One PCR Test and one Antigen Test on separate days within a seven-day period. The time period between PCR testing should be as close to seven days as can practically be achieved; or
- b. **If they are Fully Vaccinated Against COVID-19, an Antigen Test at a frequency of two times per week, at a minimum, on separate days, or, an Antigen Test at a frequency of three times per week, at a minimum, on separate days if they are not Fully Vaccinated Against COVID-19.**

1.1.1 **Occasional Entry.** Despite section 1.1, where a Staff, Caregiver, Student Placement or Volunteer enters a long-term care home fewer than **the number of times they are required to be tested as required in section 1.1**, the Licensee shall ensure that the Staff, Caregiver, Student Placement or Volunteer is tested in accordance with section 1.1 (a) of this Directive or takes an Antigen Test on each day they enter the home in accordance with this Directive. **For clarity, such Staff, Caregivers, Student Placements and Volunteers are not required to attend the home for the sole purposes of meeting the testing requirements set out in section 1.1.**

1.1.2 **Occasional Entry (Consecutive Days).** Despite sections 1.1 and 1.1.1, where a Staff, Caregiver, Student Placement or Volunteer only enters a long-term care home on two consecutive days within a seven day period and takes an Antigen Test on the first day, the Licensee may permit entry on the second consecutive day without requiring an Antigen Test.

1.2 **Support Workers.** Subject to the exceptions in sections 3, 4.1, and 5 of this Directive, every Licensee shall ensure that all Support Workers, **regardless of vaccination status**, demonstrate that they have received a negative COVID-19 test result from an Antigen Test on the day of the visit or demonstrate proof that they received a negative Antigen Test from an Antigen Test that was taken on the previous day before granting them full entry into a home as a visitor.

1.3 **General Visitors.** Subject to the exceptions in sections 3, 4.1, and 5 of this Directive, every Licensee shall ensure that all General Visitors, **regardless of vaccination status**, visiting a long-term care home, **whether indoors or outdoors** and where permitted based on Directive #3, demonstrate that they have received a negative Antigen Test on the day of the visit or demonstrate proof that they

received a negative Antigen Test from an Antigen Test taken on the previous day before granting them full entry into a home as a visitor.

1.4 Out of Country Travel. Subject to the exception in section 3 of this Directive, every Licensee shall ensure that Staff, Caregivers, Student Placements, Volunteers, Support Workers and General Visitors who have travelled outside of Canada in the 14 days prior to entering a long-term care home, regardless of vaccination status, demonstrate each time that they visit or attend the home that they have received a negative Antigen Test on the day of the visit or demonstrate proof that they received a negative PCR Test or Antigen Test from a PCR Test or Antigen Test taken on the previous day before granting them full entry into the home. For clarity, the testing required under section 1.4 may be counted towards the required testing under sections 1.1, 1.2 and 1.3, as applicable.

2. Testing Timing.

2.1 Staff, Student Placements and Volunteers. Where a Staff, Student Placement or Volunteer takes:

- i. an Antigen Test at the long-term care home, the Licensee shall ensure that the test is taken as soon as possible after beginning a shift, and the individual may enter with appropriate personal protective equipment as per Directive #3 and following infection prevention and control in place upon entry to the home, unless they travelled outside of Canada in the 14 days prior to entering a long-term care home, in which case they must receive and demonstrate the negative test result from the Antigen Test before entering the home, as outlined in section 1.4; or
- ii. a PCR Test, every Licensee shall ensure that the individual demonstrates that they have received a negative COVID-19 test result, before granting them entry.

2.2 Caregivers. Where a Caregiver takes a PCR Test, every Licensee shall ensure that the Caregiver demonstrates that they have received a negative COVID-19 test result, before granting them full entry into a home as a visitor. Where a Caregiver takes an Antigen Test at the long-term care home, every Licensee shall ensure that the test is taken before granting them full entry into the long-term care home; however, the Licensee may allow the Caregiver if Fully Vaccinated Against COVID-19 to proceed to the resident's room with appropriate personal protective equipment as per Directive #3 and following infection prevention and control practices pending the Antigen Test results, unless they have travelled outside of Canada in the 14 days prior to entering a long-term care home, in which case they must receive and demonstrate the negative test result from the Antigen Test before entering the home, as outlined in section 1.4.

2.3 Support Workers and General Visitors. Subject to the exception in section 2.4 for certain Support Workers, every Licensee shall ensure that Support Workers and General Visitors (where permitted) are tested and demonstrate a negative Antigen

Test as per the requirements in section 1 above before granting them entry to the home.

2.4 Support Workers who are Regulated Health Professionals. Despite the requirement in section 2.3, where a Support Worker who is a member of a Regulated Health Profession takes an Antigen Test at the long-term care home, the Licensee shall ensure that the test is taken before granting them full entry into the long-term care home; however, the Regulated Health Profession Support Worker may gain entry to the home pending the test results with appropriate personal protective equipment as per Directive #3 and following infection prevention and control practices, unless they have travelled outside of Canada in the 14 days prior to entering a long-term care home, in which case they must receive and demonstrate the negative test result from the Antigen Test before entering the home, as outlined in section 1.4. For clarity, the Antigen Test frequency in section 1.2 continues to apply to Support Workers who are members of a Regulated Health Profession.

3. Repeat False Positives. Despite the requirements set out in sections 1 and 2 of this Directive, where an individual described in section 1 takes an Antigen Test and the test result is positive for COVID-19 and subsequently receives a negative confirmatory lab-based PCR Test result (“false positive” Antigen Test), and this sequence (a positive Antigen Test followed by a negative confirmatory lab-based PCR Test) occurs three times within a 30 day period starting from the day the first preliminary positive Antigen Test was taken, section 1 does not apply with respect to that individual. Instead, the licensee shall ensure that such individuals provide proof that they received a negative PCR Test that was taken within the last seven days, before granting them entry.

4. Previous COVID-19.

4.1 Up to 30 Days. Despite the requirements set out in sections 1 and 2 of this Directive and subject to section 4.2, where an individual has had a prior Confirmed COVID-19 Infection in the past 30 days from the date of the Confirmed COVID-19 Infection, the individual should not be re-tested except:

- a. with new onset of signs or symptoms of COVID-19,
- b. can be considered:
 - i. if there is exposure to a confirmed case of COVID-19;
 - ii. if there is a COVID-19 outbreak in the home; or
 - iii. at the direction of the local public health unit.
- c. if they have travelled outside of Canada in the 14 days prior to entering a long-term care home, in which case they must receive and demonstrate the negative test result from the Antigen Test before entering the home, as outlined in section 1.4.

4.2 Retesting After COVID-19. Despite section 4.1, every Licensee shall ensure that an individual who has had a prior confirmed COVID-19 infection, immediately resumes asymptomatic screening testing in accordance with this Directive after the 30th day from the date of their Confirmed COVID-19 Infection.

5. **Palliative and Emergency Situations.** Despite the requirements set out in sections 1, 2, and 3 of this Directive, the requirements for Support Workers, Caregivers and General Visitors do not need to be followed in an emergency or palliative situations, subject to any restrictions or requirements contained in Directive #3.
6. **Inspectors.** This Directive does not apply to inspectors with a statutory right of entry.
7. **Access Subject to Requirements.** Every Licensee shall ensure that no person described in sections 1 and 2 of this Directive enters the home unless the requirements contained in this Directive have been met.
8. **Requirement to Demonstrate Proof of Negative Antigen Test.** Where a Staff, Caregiver, Student Placement, Volunteer, Support Worker or General Visitor received an Antigen Test not onsite at the long-term care home, on that day or the previous day, every Licensee shall ensure that the Staff, Caregiver, Student Placement, Volunteer, Support Worker or General Visitor provides proof of the negative Antigen Test result in order to gain entry to the home or take a new Antigen Test. The Licensee shall maintain a log that such proof has been demonstrated.
9. **Statistical Information.** Every Licensee shall collect, maintain and disclose statistical information on testing as follows:
 - a. Documentation that includes (collectively, “the Statistical Information”):
 - i. the number of Staff, Caregivers, Student Placements, Volunteers, Support Workers, and General Visitors tested with an Antigen Test;
 - ii. the number of Staff, Caregivers, Student Placements, and Volunteers tested with a PCR Test and date it was presented at the home;
 - iii. the number of Caregivers, Support Workers and General Visitors who were permitted entry under an emergency or palliative situation in accordance with section 5;
 - iv. the number of Staff, Caregivers, Student Placements, Volunteers, Support Workers, and General Visitors that provided proof of a negative Antigen Test to gain entry.
 - v. the number of Staff, Caregivers, Student Placements, Volunteers, Support Workers, and General Visitors that provided proof of a negative PCR test in accordance with s. 3 resulting from repeat false positives to gain entry.
 - b. Upon request, disclose the Statistical Information to the Ministry of Long-Term Care, the public health unit for the area in which the long-term care home is located and to Ontario Health.
10. **Prohibition on reselling or distributing to any other person.** Every Licensee shall ensure that an Antigen Test is:
 - used only for the purposes of the provincial antigen screening program; and
 - not resold or distributed to any other person.