

HR HealthCheck

COVID-19 and Long-Term Care – Government Permits Mandatory Management Orders to Address COVID-19 Challenges

Date: May 13, 2020

On May 13, 2020, the Ontario government made an order ([O. Reg. 210/20, Management of Long-Term Care Homes in Outbreak](#)) (Order) under the *Emergency Management and Civil Protection Act* which is intended to provide long-term care homes with additional assistance in managing COVID-19 outbreaks. The Order enables the Director under the *Long-Term Care Homes Act* (LTCHA) to take immediate action where needed to support the management of long-term care homes in their COVID-19 response.

Under the Order, the Director is granted broad powers to issue a mandatory management order in accordance with subsection 156(1) of the LTCHA for any long-term care home that is struggling to manage a COVID-19 outbreak. While these orders are normally restricted to long-term care homes that have failed to comply with the LTCHA, the Order temporarily authorizes the Director to make such an order for any long-term care home where one resident or staff member has tested positive for the coronavirus in a laboratory test. Any mandatory management order would be time limited, and would immediately end once the Order is revoked. The Order applies despite any requirement or grounds set out in the LTCHA and the general regulation made under it (O. Reg. 79/10) and despite any other statute, regulation, order or policy.

As stated in the [government's news release](#) also issued on May 13, the Order does not require that the Director make a mandatory management order for every home that has a positive coronavirus test, and it is understood that these orders will be made on a case-by-case basis to provide managerial assistance to long-term care home operators where required. Where a mandatory management order is issued, the Director can name any person, including a corporation or hospital, to provide management assistance to a long-term care home that is facing significant challenges caused by COVID-19, such as a high number of positive cases among its residents and/or staff, a high number of deaths due to COVID-19, staffing issues, or outstanding requirements from infection prevention and control assessments.

Should you require further information about this Order, please contact [Andrew Zabrovsky](#) at 416.864.7536 or [your regular Hicks Morley lawyer](#).