

M.O., 2021**Ministerial Order number 2021-028 of the Minister of Health and Social Services dated 17 April 2021**

Public Health Act
(chapter S-2.2)

Ordering of measures to protect the health of the population amid the COVID-19 pandemic situation

THE MINISTER OF HEALTH AND SOCIAL SERVICES,

CONSIDERING section 118 of the Public Health Act (chapter S-2.2) which provides that the Government may declare a public health emergency in all or part of the territory of Québec where a serious threat to the health of the population, whether real or imminent, requires the immediate application of certain measures provided for in section 123 of the Act to protect the health of the population;

CONSIDERING Order in Council 177-2020 dated 13 March 2020 declaring a public health emergency throughout Québec for a period of 10 days;

CONSIDERING that that Order in Council provides that the Minister of Health and Social Services may order any other measure needed to ensure that the health and social services network has the necessary human resources;

CONSIDERING that the public health emergency was renewed until 29 March 2020 by Order in Council 222-2020 dated 20 March 2020, until 7 April 2020 by Order in Council 388-2020 dated 29 March 2020, until 16 April 2020 by Order in Council 418-2020 dated 7 April 2020, until 24 April 2020 by Order in Council 460-2020 dated 15 April 2020, until 29 April 2020 by Order in Council 478-2020 dated 22 April 2020, until 6 May 2020 by Order in Council 483-2020 dated 29 April 2020, until 13 May 2020 by Order in Council 501-2020 dated 6 May 2020, until 20 May 2020 by Order in Council 509-2020 dated 13 May 2020, until 27 May 2020 by Order in Council 531-2020 dated 20 May 2020, until 3 June 2020 by Order in Council 544-2020 dated 27 May 2020, until 10 June 2020 by Order in Council 572-2020 dated 3 June 2020, until 17 June 2020 by Order in Council 593-2020 dated 10 June 2020, until 23 June 2020 by Order in Council 630-2020 dated 17 June 2020, until 30 June 2020 by Order in Council 667-2020 dated 23 June 2020, until 8 July 2020 by Order in Council 690-2020 dated 30 June 2020, until 15 July 2020 by Order in Council 717-2020 dated 8 July 2020, until 22 July 2020 by Order in Council 807-2020 dated 15 July 2020, until 29 July 2020 by Order in Council 811-2020 dated 22 July 2020, until 5 August 2020

by Order in Council 814-2020 dated 29 July 2020, until 12 August 2020 by Order in Council 815-2020 dated 5 August 2020, until 19 August 2020 by Order in Council 818-2020 dated 12 August 2020, until 26 August 2020 by Order in Council 845-2020 dated 19 August 2020, until 2 September 2020 by Order in Council 895-2020 dated 26 August 2020, until 9 September 2020 by Order in Council 917-2020 dated 2 September 2020, until 16 September 2020 by Order in Council 925-2020 dated 9 September 2020, until 23 September 2020 by Order in Council 948-2020 dated 16 September 2020, until 30 September 2020 by Order in Council 965-2020 dated 23 September 2020, until 7 October 2020 by Order in Council 1000-2020 dated 30 September 2020, until 14 October 2020 by Order in Council 1023-2020 dated 7 October 2020, until 21 October 2020 by Order in Council 1051-2020 dated 14 October 2020, until 28 October 2020 by Order in Council 1094-2020 dated 21 October 2020, until 4 November 2020 by Order in Council 1113-2020 dated 28 October 2020, until 11 November 2020 by Order in Council 1150-2020 dated 4 November 2020, until 18 November 2020 by Order in Council 1168-2020 dated 11 November 2020, until 25 November 2020 by Order in Council 1210-2020 dated 18 November 2020, until 2 December 2020 by Order in Council 1242-2020 dated 25 November 2020, until 9 December 2020 by Order in Council 1272-2020 dated 2 December 2020, until 18 December 2020 by Order in Council 1308-2020 dated 9 December 2020, until 25 December 2020 by Order in Council 1351-2020 dated 16 December 2020, until 1 January 2021 by Order in Council 1418-2020 dated 23 December 2020, until 8 January 2021 by Order in Council 1420-2020 dated 30 December 2020, until 15 January 2021 by Order in Council 1-2021 dated 6 January 2021, until 22 January 2021 by Order in Council 3-2021 dated 13 January 2021, until 29 January 2021 by Order in Council 31-2021 dated 20 January 2021, until 5 February 2021 by Order in Council 59-2021 dated 27 January 2021, until 12 February 2021 by Order in Council 89-2021 dated 3 February 2021, until 19 February 2021 by Order in Council 103-2021 dated 10 February 2021, until 26 February 2021 by Order in Council 124-2021 dated 17 February 2021, until 5 March 2021 by Order in Council 141-2021 dated 24 February 2021, until 12 March 2021 by Order in Council 176-2021 dated 3 March 2021, until 19 March 2021 by Order in Council 204-2021 dated 10 March 2021, until 26 March 2021 by Order in Council 243-2021 dated 17 March 2021, until 2 April 2021 by Order in Council 291-2021 dated 24 March 2021, until 9 April 2021 by Order in Council 489-2021 dated 31 March 2021, until 16 April 2021 by Order in Council 525-2021 dated 7 April 2021 and until 23 April 2021 by Order in Council 555-2021 dated 14 April 2021;

CONSIDERING that Ministerial Order 2020-099 dated 3 December 2020, amended by Ministerial Orders 2021-005 dated 28 January 2021, 2021-022 dated 7 April 2021, 2021-024 dated 9 April 2021 and 2021-027 dated 16 April 2021, among other things, authorizes certain persons to administer a flu or COVID-19 vaccine or to mix substances to complete the preparation of a COVID-19 vaccine, on certain conditions;

CONSIDERING that Ministerial Order 2021-017 dated 26 March 2021 provides for, among other things, certain measures to apply to certain service providers of a health and social services institution, an intermediate resource, a family-type resource or a private seniors' residence;

CONSIDERING that Ministerial Order 2021-020 dated 1 April 2021, amended by Ministerial Order 2021-026 dated 14 April 2021, provides for emergency measures to apply in certain territories, including the suspension of activities in certain retail sales businesses;

CONSIDERING that Ministerial Order 2020-024 dated 9 April 2021 provides, among other things, that certain persons must provide the employer with proof of having received a COVID-19 vaccine dose or have no fewer than three COVID-19 screening tests per week and provide the test results to their employer;

CONSIDERING that Ministerial Order 2021-026 dated 14 April 2021 provides for, among other things, certain measures to apply in certain territories;

CONSIDERING that Order in Council 555-2021 dated 14 April 2021 empowers the Minister of Health and Social Services to take any of the measures provided for in subparagraphs 1 to 8 of the first paragraph of section 123 of the Public Health Act;

CONSIDERING that it is expedient to order certain measures to protect the health of the population;

ORDERS AS FOLLOWS:

THAT the operative part of Ministerial Order 2020-099 dated 3 December 2020, amended by Ministerial Orders 2021-005 dated 28 January 2021, 2021-022 dated 7 April 2021, 2021-024 dated 9 April 2021 and 2021-027 dated 16 April 2021, be further amended

(1) by replacing “employed by” in the portion before subparagraph 1 of the third, fifth and eighth paragraphs by “acting on behalf of”;

(2) by adding the following paragraph at the end:

“THAT every person authorized to administer a flu or COVID-19 vaccine or to mix substances to complete the preparation of a COVID-19 vaccine pursuant to this Ministerial Order may also do so on behalf of any other person or body with which a health and social services institution has concluded an agreement for the provision, on its behalf, of flu or COVID-19 vaccination services;”;

THAT the operative part of Ministerial Order 2021-017 dated 26 March 2021 be amended

(1) by inserting the following after the sixth paragraph:

“THAT the hourly rates set in the preceding paragraph be increased by 20% if the service provider's place of work is situated in one of the following health regions:

- (1) Abitibi-Témiscamingue;
- (2) Côte-Nord;
- (3) Nord-du-Québec;
- (4) Gaspésie—Îles-de-la-Madeleine;
- (5) Nunavik;
- (6) Terres-Cries-de-la-Baie-James;»;

(2) by replacing “in the preceding paragraph” in the seventh paragraph by “in the sixth and seventh paragraphs”;

(3) by inserting the following after the eighth paragraph:

“THAT, despite the sixth paragraph, service providers assigned to a place of work situated in one of the regions listed in the seventh paragraph may receive a refund, on presentation of vouchers, of the following expenses incurred, as applicable:

- (1) expenses for travel by automobile, at the maximum rate of 0.48\$ per kilometre travelled between the service provider's residence and place of work;
- (2) expenses for travel by a means of transportation other than an automobile;
- (3) lodging costs;”;
- (4) by replacing “set in that paragraph” in the ninth paragraph by “set in the sixth and seventh paragraphs”;

(5) by inserting the following after the twentieth paragraph:

“THAT the sixth, seventh, eighth, ninth, tenth, eleventh, sixteenth, seventeenth and eighteenth paragraphs not apply in respect of a service provider assigned before 17 April 2021 to a body in the health and social services sector situated in one of the health regions listed in the seventh paragraph;”;

THAT the second paragraph of the operative part of Ministerial Order 2021-020 dated 1 April 2021, amended by Ministerial Order 2021-026 dated 14 April 2021, be further amended

(1) by inserting the following subparagraph after subparagraph *g* of subparagraph 3:

“(g.1) pool and spa retailers, but only for service and the sale of items necessary for pool and spa maintenance and repair;”;

(2) by replacing subparagraph *c* of subparagraph 14 by the following:

“(c) provide distance educational services to students in general adult education and vocational training, unless the acquisition or evaluation of the knowledge in the student’s program of studies requires the student’s presence in the classroom;”;

THAT the operative part of Ministerial Order 2021-024 dated 9 April 2021 be amended

(1) by inserting the following in the second paragraph after subparagraph 2:

“(2.1) despite subparagraph 2, salaried persons who work fewer than three days per week must have a minimum number of COVID-19 screening tests equal to the number of days on which they are at work;”;

(2) by adding the following at the end of the fourth paragraph:

“(5) trainees, interns and students having contact with the users in such an environment;”;

THAT the fourth paragraph of the operative part of Ministerial Order 2021-026 dated 14 April 2021 be amended by adding the following after subparagraph 8;

“(9) persons who have their principal or their secondary residence in the Nord-du-Québec, Nunavik or Terres-Cries-de-la-Baie-James Health Region;”;

THAT subparagraph 1 of the third paragraph of the operative part of this Order take effect on 19 April 2021.

Québec, 17 April 2021

CHRISTIAN DUBÉ
Minister of Health and Social Services

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