Ontario

Ministry of Health

COVID-19 Guidance: Considerations for Privately Initiated Testing

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This document is intended for individuals or organizations that choose to participate in private COVID-19 testing outside of the public health care system in Ontario.

Testing is not considered to be an effective preventive measure for COVID-19 on its own and does not replace public health strategies such as symptom screening, physical distancing, and hand hygiene.

Please see the COVID-19 Provincial Testing Guidance for more information. Anyone who falls within the current Provincial Testing Guidance should continue to seek publicly funded testing, available at participating pharmacies, specimen collection centres, and assessment centres.

However, in recognition that some organizations may choose to conduct private testing as part of their operations, this document has been developed to outline the minimum considerations and requirements for such initiatives. This guidance provides basic information only. It is not intended to take the place of medical advice, diagnosis, treatment, or legal advice. **Further, organizations that initiate private COVID-19 testing campaigns assume any operational, medical, and/or legal responsibilities relating to this initiative.**

In the event of any conflict between this guidance document and any applicable legislation or orders or directives issued by the Minister of Health or the Chief Medical Officer of Health (CMOH), the legislation, order or directive prevails. Please see Ontario's COVID-19 website for more general information as well as for updates to this document.

Preamble

- Currently, COVID-19 clinical testing in Ontario is primarily conducted through the provincial public health care system.
- As some organizations have resumed operations, some organizations have expressed interest in privately conducting asymptomatic testing and/or offering testing to individuals who are not eligible for publicly-funded testing under the current Provincial Testing Guidance.
- Organizations should consider the rationale for asymptomatic testing, and ensure attention is paid to the following:
    - The interpretation of test results and related consequences, including following up on positive results as well as managing potential false positive and false negative results.
        - In the absence of known COVID-19 cases, there is a greater likelihood of false positive results.
        - False negative results may lead to parties undertaking inappropriately lax prevention methods, resulting in increased potential for COVID-19 transmission.
    - Positive results may result in psychological distress and stigmatization, while negative results may result in false reassurance.
    - Test-related factors, including but not limited to licensing procurement, availability, and test characteristics, including performance in both laboratory and field settings.
    - The organization's personnel, facility, and operational capacity for administration of the tests.
- Individuals who have previously been diagnosed with and cleared of COVID-19 infection may resume asymptomatic screening testing after 90 days from their COVID-19 infection (based on the date of their positive result).

- Organizations must develop a COVID-19 Workplace Safety Plan to minimize the risk of COVID-19. This includes having written policies and procedures that are in alignment with the sector specific guidance issued by the Chief Medical Officer of Health and any other specific measures recommended by public health agencies.
- Employers are also required to follow the *Occupational Health and Safety Act (OHSA)*.
    - All workplace parties (e.g. employers, supervisors, workers) have statutory responsibilities related to health and safety in the workplace.
    - There are no specific requirements in the OHSA or its regulations for employers to conduct testing of workers.
- Employers can find additional information on Screening for COVID-19: Guidance for Employers

Testing Requirements

- Prior to initiating testing, all organizations must contact their local public health unit to make them aware that they will be engaging in a private testing program.
- Private testing can only be performed using one of the types of tests currently available in Ontario as per the COVID-19 Testing Guidance
    - All non-POC tests must be performed by a laboratory licensed under the *Laboratory and Specimen Collection Centre Licensing Act (LSCCLA)* or persons that are exempt from the LSCCLA.
    - All POC tests (molecular or antigen-based) must be performed following the COVID-19 Guidance: Considerations for Antigen Point-of-Care Testing and the Appendix 9: Management of Individuals with Point-of-Care Testing Results.
    - Health care professionals must ensure that all personal and health information will be collected, used, disclosed in accordance with relevant legislation, including the *Personal Health Information Protection Act* (PHIPA).
    - Organizations may **not** make arrangements with public assessment centres to conduct specimen collection.

- Health care professionals are responsible for satisfying all applicable legislative and regulatory requirements, including those under the, *Health Protection and Promotion Act* (HPPA), PHIPA, *Health Care Consent Act* (HCCA), *Regulated Healt1h Professions Act* (RHPA).
- Organizations should have a systematic procedure in place to provide follow up on test results.
- Organizations should have plans in place to respond should any individuals be exposed to or diagnosed with COVID-19.
- All test results performed by a licensed laboratory, as well as POC molecular test results, must be entered into the Ontario Laboratories Information System (OLIS) in accordance with the HPPA.
- All POC molecular test results, must be reported to the local public health unit in accordance with the HPPA.

Laboratory Responsibilities Relating to Private COVID-19 Testing

Licensed labs are required to fulfil their contractual obligations with the Province and satisfy legislative obligations under all applicable statutes, including the LSCCLA and HPPA. In addition, licensed labs must:

- ensure that all testing is performed on technologies approved by Health Canada (HC) or otherwise validated by the licensed laboratory (i.e., laboratory-developed test or research use only test), and must be used, processed, and interpreted in compliance with the manufacturer's instructions or laboratory-established protocol.
- report all positive test results to the local public health unit in accordance with the LSCCLA and HPPA.
- upload results into the Ontario Laboratories Information System (OLIS)

Organizational Responsibilities Relating to Private COVID-19 Testing

Organizations that are interested in pursuing private testing are also responsible for:

- Seeking independent legal advice on issues of human rights, labour and employment law, privacy, and occupational health and safety before implementing a testing program and developing a company policy related to COVID-19 testing based on this advice.
- Seeking independent legal advice to ensure that all personal and health information of their workers will be collected, used, disclosed in accordance with all applicable legislation.
- Planning, developing, and operationalizing policies and procedures related to testing.
- All costs related to any testing initiated, including but not limited to infrastructure, overhead, testing equipment, test consumables, personal protective equipment and laboratory fees.
- Procuring and purchasing all materials, equipment, technology, and/or device(s) required to carry out the testing using validated collection methods.
- Cooperating with their local public health unit in the event of a potential workplace exposure of COVID-19 or an outbreak investigation.
- Properly storing and disposing of the test waste with registered haulers (approved to carry biomedical waste) to ensure ongoing protection of human health and the environment.