

The COVID Clinical Response Committee (CCRC) has been asked to provide guidance on the implementation of [Ontario Regulation 272/21](#) issued on April 9, 2021, in the transfer of critically ill patients.

1. Consistent with guidance from the [Canadian Medical Protective Association](#), physicians involved in a patient transfer without consent will need to:
 - a. make a determination about whether a patient can be transferred without compromising the patient's medical condition
 - b. take reasonable steps to be satisfied the receiving hospital can provide the care the patient requires
 - c. ensure the receiving hospital has accepted the patient in transfer and will admit the patient
 - d. document all decisions in the patient's chart
2. On admission, when providing a family update, intensivists and physicians should establish that a transfer to another facility will likely occur at some point during the admission given our capacity and Command Centre directives.
3. When a directive is received, the intensivist will identify and prioritize patients that are suitable for transfer. If two patients are equally suitable for transfer, use www.random.org to determine the order.
4. The intensivist will contact the patient or SDM based on their prioritization list.
5. If a patient or SDM refuses to consent to transfer, acknowledge their concerns, but advise them that the transfer may still need to occur. Inform them of the emergency order to transfer without consent and that we will get back to them if the transfer will proceed.
6. If after all patients suitable for transfer have a facility assigned and we still need to transfer another patient, the intensivist will contact the patient/SDM that refused and inform them that the team has looked for other patients to transfer but now the transfer must proceed.
7. At this time, the intensivist will document that you have had two conversations with the patient or SDM and there are no other options available.

This recommendation will be active as long as the emergency order is in effect.

Rationale

1. The Ontario Government issued an emergency order on April 9th, 2021, enabling hospitals to transfer patients to another facility without consent from the patient or SDM.
2. William Osler Health System has been experiencing a very high volume of critically ill patients with COVID-19 far exceeding capacity.
3. To ensure all organizations maintain capacity, the Ontario Critical Care COVID Command Centre has been redistributing COVID patients from higher to lower COVID ICU census hospitals as a proactive strategy to prevent an overwhelming demand that outstrips local critical care capacity. As a result, the Command Centre has been providing daily directives on moving patients to other facilities.
4. Although many patients and families are understanding the need, there are occasionally scenarios where the patient or SDM refuses to be transferred to another facility.
5. To ensure capacity and the ability to provide safe timely care for critically ill patients, the hospital legal department has confirmed that consent is not required per directive as long as the conditions outlined above are met.