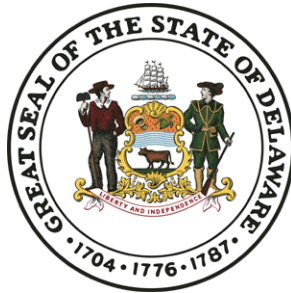


# State of Delaware



**Executive Department  
Dover**

## **JOINT ORDER OF THE DEPARTMENT OF HEALTH AND SOCIAL SERVICES AND THE DELAWARE EMERGENCY MANAGEMENT AGENCY**

**WHEREAS**, on March 12, 2020, the Governor of Delaware issued a State of Emergency due to the public health threat of COVID-19, which took effect on March 13, 2020 at 8:00 a.m. E.D.T; and

**WHEREAS**, on March 16, 2020, the Governor of Delaware issued the First Amended Modification to the State of Emergency authorizing the Delaware Emergency Management Agency and Department of Health and Social Services, Division of Public Health to take “such other measures as they deem necessary to protect the health and safety of the public”; and

**WHEREAS**, under Title 20, Chapter 31, the Director of the Delaware Emergency Management Agency is responsible for authorizing persons not otherwise so authorized under Delaware law to perform medical examinations or tests on any person, or to administer treatment to anyone exposed to

or infected with disease; and

**WHEREAS**, under Title 20, Chapter 31, the Director of the Division of Public Health, as designated by the Secretary of the Department of Health and Social Service, with the consent of the Governor, may waive any or all licensing requirements, permits or fees required under Delaware laws and applicable orders, rules or regulations for health care providers from other United States jurisdictions to practice in this State so long as health care providers from these other jurisdictions meet appropriate professional licensing requirements in their respective jurisdictions; and

**WHEREAS**, on March 24, 2020 A.J. Schall, Director of the Delaware Emergency Management Agency and Karyl Rattay, Director of the Division of Public Health on behalf of the Department of Health and Social Services issued an Order authorizing certain individuals to provide healthcare services; and

**WHEREAS**, on April 1, 2020 A.J. Schall, Director of the Delaware Emergency Management Agency and Karyl Rattay, Director of the Division of Public Health on behalf of the Department of Health and Social Services, issued the first modification to the Order authorizing additional individuals to provide healthcare services; and

**WHEREAS**, on April 29, 2020, A.J. Schall, Director of the Delaware Emergency Management Agency and Karyl Rattay, Director of the Division of Public Health on behalf of the Department of Health and Social Services, issued a third joint Order authorizing additional individuals to provide healthcare services; and

**WHEREAS**, on July 17, 2020 the Governor of Delaware signed House Substitute 1 for House Bill 348 which expanded telemedicine services in the State of Delaware and further defined how to provide those services; and

**WHEREAS**, on September 3, 2020, the Governor of Delaware issued the Twenty-Seventh Modification to the State of Emergency; and

**WHEREAS**, on October 16, 2020, the Division of Public Health and the Delaware Emergency Management Agency issued a joint order permitting out of state, retired and trainee healthcare providers to practice in long term care facilities; and

**WHEREAS**, COVID-19 cases are higher than they have been since the beginning of the pandemic, and hospitalizations are steadily increasing.

**NOW THEREFORE, I, A.J. Schall, Director of the Delaware Emergency Management Agency and I, Karyl Rattay, Director of the Division of Public Health on behalf of the Department of Health and Social Services**, pursuant to Title 20, Chapter 31 of the Delaware Code, do hereby declare that the Order issued on October 16, 2020 shall remain in effect until further notice but not later than such time as the later of the Governor's Declaration of Public Health Emergency or Declaration of a State of Emergency (including Modifications) is lifted with the following modifications:

**The following individuals are authorized to provide in-person healthcare services in licensed hospitals in the State of Delaware, as such facilities are defined in 16 Del. C. § 1001:**

1. Out of state health care providers, including physicians, pharmacists, respiratory therapists, physician assistants, paramedics, emergency medical technicians, practical nurses, professional nurses, advanced practice registered nurses, physical therapists, physical therapy assistants, occupational therapists, occupational therapy assistants, speech language pathologists, and nursing assistants with an active license or certification in good standing in any United States jurisdiction; and

2. All physicians, pharmacists, respiratory therapists, physician assistants, paramedics, emergency medical technicians, practical nurses, professional nurses, advanced practice registered nurses, physical therapists, physical therapy assistants, occupational therapists, occupational therapy assistants, speech language pathologists, and nursing assistants who have held an active Delaware license or certification within the last five years, which is now inactive, expired, or lapsed, so long as

that license was active and in good standing for the duration of the five-year period prior to the date of this Order; and

3. Students currently enrolled in a Delaware Board of Nursing approved nursing school are hereby authorized to conduct medical examinations and tests, and perform administrative duties, so long as any such student is supervised by a nurse, physician assistant, advanced practice registered nurse, or physician with an active Delaware license; and

4. Any graduate of a Delaware Board of Nursing approved practical or professional nursing program, who is not otherwise licensed, is hereby authorized to practice in accordance with the provisions of Chapter 19, Title 24 of the Delaware Code, so long as any such graduate is supervised by a nurse, physician's assistant, or physician with an active Delaware license; and

5. Students currently seeking a degree that will meet the requirements of 24 *Del. C.* § 1720(b)(2) when the degree is conferred, are hereby authorized to conduct medical examinations and tests, and perform administrative duties, so long as any such student is supervised by a physician with an active Delaware license; and

6. Any graduate with a degree that meets the requirements of 24 *Del. C.* § 1720(b)(2), who is not otherwise licensed, is hereby authorized to practice in accordance with the provisions of Chapter 17, Title 24 of the Delaware Code, so long as any such graduate is supervised by a physician with an active Delaware license; and

7. Any student currently matriculated in an approved Respiratory Care Program is hereby authorized to practice respiratory care in accordance with the provisions of Subchapter VII, Chapter 17, Title 24 of the Delaware Code, so long as any such student is supervised by a physician or respiratory care practitioner with an active Delaware license; and

8. Any graduate of an approved Respiratory Care Program, who is not yet otherwise licensed, is

hereby authorized to practice respiratory care in accordance with the provisions of Subchapter VII, Chapter 17, Title 24 of the Delaware Code, so long as any such graduate is supervised by a physician or respiratory care practitioner with an active Delaware license; and

9. Any student currently enrolled in a physician assistant or surgeon assistant program which is accredited by the Accreditation Review Commission on Education for the Physician Assistant (ARC-PA) is hereby authorized to conduct medical examinations and tests, and perform administrative duties, so long as any such student is supervised by a physician's assistant, advanced practice registered nurse, or physician with an active Delaware license; and

10. Any graduate of a physician assistant or surgeon assistant program which is accredited by the Accreditation Review Commission on Education for the Physician Assistant (ARC-PA), who is not yet otherwise licensed, is hereby authorized to practice in accordance with the provisions of Subchapter VI, Chapter 17, Title 24 of the Delaware Code, so long as any such graduate is supervised by a physician's assistant, advanced practice registered nurse, or physician with an active Delaware license; and

11. Any student currently enrolled in an educational program in occupational therapy or occupational therapy assistant accredited by the Accreditation Council for Occupational Therapy Education is hereby authorized to practice in accordance with the provisions of Chapter 20, Title 24 of the Delaware Code, so long as any such student is supervised by an occupational therapist with an active Delaware license; and

12. Any graduate of an educational program in occupational therapy or occupational therapy assistant accredited by the Accreditation Council for Occupational Therapy Education, who is not yet otherwise licensed, is hereby authorized to practice in accordance with the provisions of Chapter 20, Title 24 of the Delaware Code, so long as any such graduate is supervised by an occupational therapist with an active Delaware license; and

13. Any student currently enrolled in a school approved for the educational preparation of physical therapists or physical therapist assistants by the appropriate accrediting agency recognized by the Council on Post-Secondary Accreditation or the United States Commission of Education is hereby authorized to practice in accordance with the provisions of Chapter 26, Title 24 of the Delaware Code, so long as any such student is supervised by a physical therapist with an active Delaware license; and

14. Any graduate of a school approved for the educational preparation of physical therapists or physical therapist assistants by the appropriate accrediting agency recognized by the Council on Post-Secondary Accreditation or the United States Commission of Education, who is not yet otherwise licensed, is hereby authorized to practice in accordance with the provisions of Chapter 26, Title 24 of the Delaware Code, so long as any such graduate is supervised by a physical therapist with an active Delaware license; and

15. Any speech language pathology student currently enrolled in a master's degree or its equivalent, from an accredited college or university with major emphasis in speech-language pathology, communication disorders or speech-language and hearing science is hereby authorized to practice in accordance with the provisions of Chapter 37, Title 24 of the Delaware Code, so long as any such student is supervised by a speech language pathologist with an active Delaware license; and

16. Any graduate of a master's degree or its equivalent, from an accredited college or university with major emphasis in speech-language pathology, communication disorders or speech-language and hearing science, who is not yet otherwise licensed, is hereby authorized to practice in accordance with the provisions of Chapter 37, Title 24 of the Delaware Code, so long as any such graduate is supervised by a speech language pathologist with an active Delaware license; and

17. Any student currently matriculated in an approved Certified Nursing Assistant certification program is hereby authorized to provide direct patient care in accordance with the provisions of Chapter

30A, Title 16 of the Delaware Code, so long as any such student has completed at least 75 clock hours of training and is directly supervised by a certified nursing assistant who holds an active Delaware certification. Any such student who has completed 85 clock hours of training in a certified nursing assistant program is authorized to provide non-direct patient care under the general supervision of a certified nursing assistant who holds an active Delaware certification; and

18. Any graduate of an approved certified nursing assistant program, who is not yet otherwise certified, is hereby authorized to act as a certified nursing assistant in accordance with the provisions of Chapter 30A, Title 16 of the Delaware Code so long as any such person is supervised by a licensed practical nurse, registered nurse, advanced practice registered nurse or physician with an active Delaware license; and

19. All out of state mental health providers with an active license in good standing in any United States jurisdiction, including psychologists, mental health counselors, clinical social workers, chemical dependency counselors, and marriage and family therapists are hereby authorized to provide in-person and telemedicine mental health services in Delaware; and

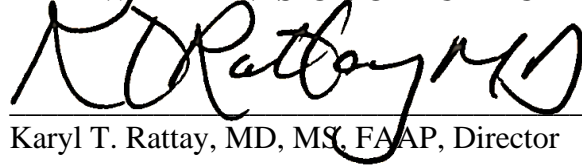
20. All psychologists, mental health counselors, clinical social workers, chemical dependency counselors, and marriage and family therapists who have held an active Delaware license within the last five years, which is now inactive, expired, or lapsed, may provide mental healthcare services in Delaware, so long as that license was active and in good standing for the duration of the five-year period prior to the date of this Order; and

21. Any graduate of a doctoral program accredited by the American Psychological Association, or the Psychological Clinical Science Accreditation System may practice in accordance with the provisions of Chapter 35, Title 24 of the Delaware Code, so long as any such graduate is supervised by a psychologist with an active Delaware license.

22. Any qualified person appointed pursuant to this order shall be considered a public employee under §§ 4001- 4002 of Title 10.

APPROVED this 1<sup>st</sup> day of December 2020 at 5 p.m., E.D.T.

**DELAWARE DIVISION OF PUBLIC HEALTH**



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Karyl T. Rattay, MD, MS, FAAP, Director

**DELAWARE EMERGENCY MANAGEMENT AGENCY**



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A. J. Schall, Director