

State of Delaware



**Executive Department
Dover**

DECLARATION OF A PUBLIC HEALTH EMERGENCY FOR THE STATE OF DELAWARE

WHEREAS, COVID-19 is caused by a novel coronavirus that has posed an imminent threat to the health and welfare of Delawareans. More than 1600 Delawareans have lost their lives to COVID-19 and over 100,000 cases have been identified in our State since March 2020. People who contract COVID-19 may experience serious or long-term effects; and

WHEREAS, as of June 30, 2021, the State has thus far administered over one million doses of COVID-19 vaccines to individuals who live, work, and are educated in Delaware, and has deemed all individuals ages 12 and older eligible to receive the vaccine; and

WHEREAS, throughout the pandemic, Delaware's preventative measures, the cooperation of Delawareans, and our vaccination efforts have dramatically reduced COVID-19 cases in this State, greatly reducing the loss of life; and

WHEREAS, Delaware now has the tools to prevent, control and treat COVID-19 infection, serious illness, and hospitalization, and the Governor's emergency orders, first signed on March 12, 2020 to confront the spread of COVID-19 in Delaware communities, will be lifted on July 13, 2021; and

WHEREAS, to prevent the spread of the highly transmissible variants of the coronavirus to those not vaccinated and to continue to vaccinate Delawareans, a limited State of Public Health Emergency declaration is appropriate.

NOW, THEREFORE, I, JOHN C. CARNEY, pursuant to Title 20, Chapter 31, Subchapter V of the Delaware Code, to control and prevent the spread of COVID-19 within the State of Delaware, do hereby declare a Public Health Emergency, which shall become effective Monday, July 12, 2021 at 11:59 p.m. E.D.T. Along with such other actions authorized under Chapter 31 of Title 20, I specifically direct and authorize the following:

A. POWERS OF DELAWARE EMERGENCY MANAGEMENT AGENCY (DEMA) AND DELAWARE DIVISION OF PUBLIC HEALTH (DPH).

1. The Delaware National Guard shall take precautionary or responsive actions directed by the Director of DEMA, in consultation with the Secretary of the Department of Safety and Homeland Security (DSHS), upon request by local authorities.
2. The Public Health Authority is authorized to direct vaccination, treatment and such other measures as may be necessary to prevent or contain the spread of COVID-19, including to designate any qualified person to administer vaccines in accordance with 20 Del. C. § 3137, and require in-state health care providers to assist in the performance of vaccination, treatment and testing of any potentially infected individual in accordance with 20 Del. C. § 3140.
3. The following statutory and regulatory provisions are hereby suspended or waived for the duration of this Public Health Emergency:
 - a. Effective upon the entry of this Order, all insurers issuing policies subject to state regulation under Title 18 of the Delaware Code shall waive all prior authorization

requirements for the lab testing and treatment of confirmed or suspected COVID-19 patients; and

- b. Long-term care facilities must continue to provide 3.28 hours of direct care per resident per day. However, the staffing ratios required in 16 Del. C. § 1162 are hereby suspended.

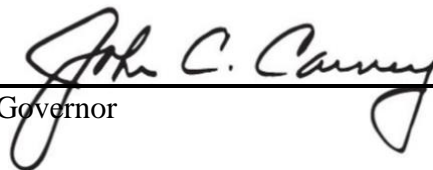
B. COVID-19 TESTING AND VACCINATION ADMINISTRATION.

1. All COVID-19 testing shall be made available to those persons who meet criteria for such testing as established and modified from time to time by DPH.
2. All health care providers who test for COVID-19 shall comply with the Public Health Authority's guidance for the use of such tests. Further, all such providers must provide each patient tested with educational materials developed by the Public Health Authority.
3. All health care providers, facilities and entities that decide to offer vaccinations shall make those vaccinations available to any person meeting the vaccination criteria without regard to that person's ability to pay, type of health insurance, or participation in any particular provider network.
4. All health care providers, facilities and entities that offer vaccinations shall provide vaccinations at no out-of-pocket cost to individuals.
5. All healthcare providers, facilities, and entities administering COVID-19 vaccination in Delaware must report the vaccination within twenty-four (24) hours to the Division of Public Health through the Delaware Immunization Information System (DelVAX or its derivative). Healthcare providers, facilities, and entities administering COVID-19 vaccination in Delaware must request and, when provided, report the vaccinated person's date of birth, address, phone number, race, ethnicity, disability, date of vaccination, lot

number and manufacturer of the vaccine administered, and other information as specified in the Delaware Immunization Information System.

6. Notwithstanding any provision of the Delaware Code or the common law of the State of Delaware, all COVID-19 vaccine or the constituent parts of COVID-19 vaccine distributed to any third party by the State of Delaware shall remain the property of the State of Delaware until administered to a patient. Until the moment of vaccination, the State of Delaware shall retain the authority to direct, redirect, reclaim, recover, and reallocate any amount of COVID-19 vaccine or the constituent parts of COVID-19 vaccine without cause and at the sole discretion of either DHSS or DEMA.
7. Failure to comply with the data reporting requirements in this order may result in a fine as authorized by 16 *Del. C.* § 107(a) or the cessation of vaccine distribution to the noncompliant provider.

APPROVED this 12th day of July 2021 at 1:00 p.m.


Governor