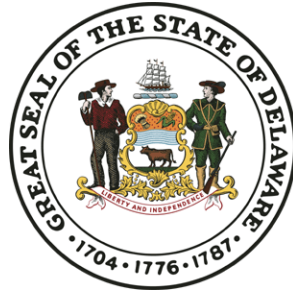


# State of Delaware



**Executive Department  
Dover**

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

**WHEREAS**, on July 12, 2021, the Governor of Delaware proclaimed a Public Health Emergency, effective on July 12, 2021 at 11:59 p.m. E.D.T; and

**WHEREAS**, the Governor extended the Public Health Emergency on August 10, 2021, September 8, 2021, and October 7, 2021; 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 Services, 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 July 12, 2021, 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 August 12, 2021 that Order was modified to address staffing shortages in hospitals; and

**WHEREAS**, on September 23, 2021 Appendix A was modified to include additional staffing support for facilities; and

**WHEREAS**, Delaware hospitals continue to experience staffing shortages related to the COVID-19 pandemic and additional support is needed for COVID-19 vaccination and testing.

**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 strike the Order issued on August 12, 2021 and modified on September 23, 2021 and replace it with this Order, effective as of October 8, 2021 at 8:00 a.m. E.D.T. This Order shall remain in effect until further notice but not later than such time as the Governor’s Declaration of Public Health Emergency is lifted:

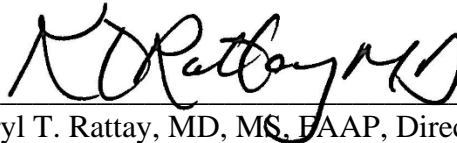
1. The individuals listed in Appendix A are authorized to provide in-person healthcare services:
  - a. Under the direction of the Division of Public Health or the State Health Operations Center at points of dispensing, call centers, community testing or other public

health events once registered with the Delaware Medical Reserve Corps.

- b. In licensed long-term care facilities in the State of Delaware, as such facilities are defined in 16 *Del. C.* § 1102.
  - c. In hospitals in the State of Delaware, as such facilities are defined in 16 *Del. C.* § 1001, and in Free Standing Emergency Departments, as such facilities are defined in 16 *Del. Admin. C.* § 3340.
  - d. When administering COVID-19 vaccinations and COVID-19 tests.
2. Any qualified person appointed pursuant to this order shall be considered a public employee under §§ 4001- 4002 of Title 10.

APPROVED this 7th day of October 2021 at 2:00 p.m.

**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

## Appendix A

The following groups of individuals are authorized to provide in-person healthcare services in the locations identified above:

- 1) Physicians, pharmacists, physician assistants, paramedics, emergency medical technicians, practical nurses, professional nurses, advanced practice registered nurses, nursing assistants, respiratory therapists, occupational therapists, physical therapists, speech language pathologists and licensed clinical social workers with an active license or certification in good standing in any United States jurisdiction.
- 2) All physicians, pharmacists, physician assistants, paramedics, emergency medical technicians, practical nurses, professional nurses, advanced practice registered nurses, nursing assistants, respiratory therapists, occupational therapists, physical therapists, speech language pathologists and licensed clinical social workers 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.
- 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.
- 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.

- 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.
- 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.
- 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.
- 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.
- 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.

- 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.
- 11) 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.
- 12) 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.
- 13) 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.

- 14) 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, 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.

Created: October 7, 2021

Updated: January 7, 2022 (to include paragraphs 13 and 14).