

State of Delaware



Executive Department
Dover

DECLARATION OF A PUBLIC HEALTH EMERGENCY FOR THE STATE OF DELAWARE

WHEREAS, the novel coronavirus (“COVID-19”) poses an imminent threat to the health and welfare of all Delawareans, where more than 2,700 Delawareans have lost their lives to COVID-19 and over 256,000 cases of COVID-19 have been identified in our State since March 2020, and people who contract COVID-19 may experience serious or long-term effects; and

WHEREAS, to control the spread of COVID-19 in Delaware, I first issued a State of Emergency on March 13, 2020, that was subsequently terminated on July 13, 2021, and I contemporaneously issued a limited Public Health Emergency order on July 12, 2021, to allow the State and medical providers to continue COVID-19 vaccination and testing programs; and

WHEREAS, the State has thus far administered over 1,731,951 doses of COVID-19 vaccines to individuals that live, work, and are educated in Delaware, and all individuals ages 5 and older are eligible to receive the vaccine; and

WHEREAS, in December 2021, despite Delaware’s preventative measures, the cooperation of Delawareans, and our vaccination efforts, Delaware repeatedly surpassed its daily record number of COVID-19 cases since March 2020, and I therefore issued a Declaration of a

State of Emergency Due to a Public Health Threat on January 3, 2022, to combat the winter surge of COVID-19 and hospitalizations; and

WHEREAS, as of February 26, 2022, based on updated guidance from the Centers for Disease Control and Prevention, more than 70% of the United States population, including all counties in Delaware, are now in an area with low or medium COVID-19 community levels; and

WHEREAS, because the CDC supports removing certain COVID-19 restrictions in areas with low or medium COVID-19 community levels, the Declaration of a State of Emergency Due to a Public Health Threat that I issued on January 3, 2022, to combat the winter surge of COVID-19 and hospitalizations will be terminated on March 1, 2022; and

WHEREAS, despite the recent decline in COVID-19 community levels, Delaware continues to face staffing shortages and capacity issues in its health care facilities and a limited Public Health Emergency order is appropriate to ensure medical providers are able to provide appropriate and safe care to all Delawareans, and to continue efforts to vaccinate Delawareans against the coronavirus.

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 order that the Declaration of a Public Health Emergency, effective as of July 13, 2021, is hereby stricken in its entirety and replaced with the following provisions, which shall become effective on March 1, 2022, at 6:00 p.m. E.S.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 further authorized to direct vaccination, treatment, isolation, quarantine 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.
 - c. The requirements in Chapter 93 of Title 16 are hereby suspended for acute care hospitals that seek to increase their bed capacity in order to treat COVID-19 patients, so long as any such hospital obtains approval from the Division of Public

Health. Hospitals that wish to increase their bed capacity to treat COVID-19 patients must submit a plan to OEMS@delaware.gov. Plans must include a justification for increased beds, and assurances for adequate staffing, maintenance, and safety. Plans may not be implemented until approved by the Division of Public Health. Hospitals that increase bed numbers pursuant to this section must eliminate beds and return to the previously approved number of licensed beds, or seek a Certificate of Public Review, if so ordered by the Division of Public Health or upon the termination of this order.

APPROVED this 1st day of March 2022 at 8:30 a.m.


Governor