State of Delaware

Executive Department
Dover

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

WHEREAS, the Centers for Disease Control and Prevention and other public health authorities have advised public and private agencies to promptly take necessary and appropriate precautions to reduce exposure to COVID-19 and slow the spread of the disease; and

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, on March 18, 2020, the Governor of Delaware issued the Second

Modification to the State of Emergency, with additional measures designed to address the escalating threat of the COVID-10 epidemic in the State of Delaware; and

WHEREAS, on March 21, 2020, the Governor of Delaware issued the Third Modification to the State of Emergency, closing all beaches except for purposes of exercise and walking dogs, and then only if users follow CDC guidance on social distancing; and

WHEREAS, on March 22, 2020, the Governor of Delaware issued the Fourth and Fifth Modifications to the State of Emergency, establishing essential and non-essential businesses and services, and clarifying when Delaware residents may travel for purposes of working at or using such businesses and services; 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.

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 this Order shall be effective as of March 23, 2020 at 5:00 p.m. E.D.T., and 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:

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, and nursing assistants with an active license or certification in good standing in any United States jurisdiction are hereby authorized to provide healthcare services in Delaware; and

2. All physicians, pharmacists, respiratory therapists, physician assistants, paramedics, emergency medical technicians, practical nurses, professional nurses, advanced practice registered nurses, and nursing assistants who have held an active Delaware license or certification within the last five years, which is now inactive, expired, or lapsed, may provide 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 it went inactive, expired or lapsed; and

3. 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

4. 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 it went inactive, expired or lapsed; and

5. 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

6. 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

7. Any out-of-state health care provider, inactive health care provider, or qualified person appointed pursuant to this order shall be considered a public employee under §§4001- 4002 of Title 10.

APPROVED this 24th day of March 2020 at 4:03 p.m., E.D.T.

DELAWARE DIVISION OF PUBLIC HEALTH

Karryl T. Rattay, MD, MS, Director

DELAWARE EMERGENCY MANAGEMENT AGENCY

A.J. Schall, Director