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; 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.

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 March 24, 2020 at 4:03 p.m. E.D.T., as modified by the first modification, 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:

1. Any graduate of a medical school that meets the requirement of 24 *Del. C.* § 1720(b)(2) is hereby authorized to practice medicine in accordance with the provisions of Chapter 17, Title 24 of the Delaware Code, so long as any such student is supervised by a physician with an active Delaware license.

2. Any student currently enrolled in a medical assistant or phlebotomy training program is hereby authorized to conduct medical tests for COVID-19 so long as any such student is supervised by licensed or certified provider.

3. Any out of state occupational therapist, physical therapist, or speech language pathologist holding an active license or certification in good standing in any United States jurisdiction is hereby authorized to practice in accordance with the relevant provisions of

Title 24 of the Delaware Code; and

4. Any occupational therapist, physical therapist, or speech language pathologist who has held an active Delaware license in the previous five years which is now inactive, expired, or lapsed, is hereby authorized to practice in accordance with the relevant provisions of Title 24 of the Delaware Code, 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.

APPROVED this 29th day of April 2020 at 5 p.m., E.D.T.

DELAWARE DIVISION OF PUBLIC HEALTH

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

DELAWARE EMERGENCY MANAGEMENT AGENCY

A.J. Schall, Director