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, on March 30, 2020, the Governor of Delaware issued the Eighth Modification to the State of Emergency, allowing the Department of Health and Social Services greater flexibility with staffing health care facilities.

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

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., 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 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.

2. 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.

3. 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.

4. 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.

5. 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.

6. Any graduate of a doctoral program accredited by the American Psychological Association, or the Psychological Clinical Science Accreditation System may practice in accordance with the provisions of Chapter 35, Title 24 of the Delaware Code, so long as any such graduate is supervised by a psychologist with an active Delaware license.

7. Any student currently enrolled in an educational program in occupational therapy or occupational therapy assistant accredited by the Accreditation Council for Occupational Therapy Education is hereby authorized to practice in accordance with the provisions of Chapter 20, Title 24 of the Delaware Code, so long as any such student is supervised by an occupational therapist with an active Delaware license.

8. Any graduate of an educational program in occupational therapy or occupational therapy assistant accredited by the Accreditation Council for Occupational Therapy Education, who is not yet otherwise licensed, is hereby authorized to practice in accordance with the provisions of Chapter 20, Title 24 of the Delaware Code, so long as any such graduate is supervised by an occupational therapist with an active Delaware license.

9. Any student currently enrolled in a school approved for the educational preparation of physical therapists or physical therapist assistants by the appropriate accrediting agency recognized by the Council on Post Secondary Accreditation or the United States Commission

of Education is hereby authorized to practice in accordance with the provisions of Chapter 26, Title 24 of the Delaware Code, so long as any such student is supervised by a physical therapist with an active Delaware license.

10. Any graduate of a school approved for the educational preparation of physical therapists or physical therapist assistants by the appropriate accrediting agency recognized by the Council on Post Secondary Accreditation or the United States Commission of Education, who is not yet otherwise licensed, is hereby authorized to practice in accordance with the provisions of Chapter 26, Title 24 of the Delaware Code, so long as any such graduate is supervised by a physical therapist with an active Delaware license.

11. Any speech language pathology student currently enrolled in a master's degree or its equivalent, from an accredited college or university with major emphasis in speech-language pathology, communication disorders or speech-language and hearing science is hereby authorized to practice in accordance with the provisions of Chapter 37, Title 24 of the Delaware Code, so long as any such student is supervised by a speech language pathologist with an active Delaware license.

12. Any graduate of a master's degree or its equivalent, from an accredited college or university with major emphasis in speech-language pathology, communication disorders or speech-language and hearing science, who is not yet otherwise licensed, is hereby authorized to practice in accordance with the provisions of Chapter 37, Title 24 of the Delaware Code, so long as any such graduate is supervised by a speech language pathologist with an active Delaware license.

13. 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.

14. 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.

15. Any qualified person appointed pursuant to this order shall be considered a public employee under §§ 4001- 4002 of Title 10.

APPROVED this 1st day of April 2020 at 6:00 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