



Order of the Department of Health and Social Services
First Modification

WHEREAS, the December 9, 2020 Order of the Department of Health Social Services required vaccinating providers to report demographic information to the Delaware Immunization Information System;

WHEREAS, on February 4, 2021, Governor John C. Carney incorporated the December 9, 2020 Order of the Department of Health Social Services into his Sixth Revision to the Twenty-Seventh Modification of the Declaration of a State of Emergency for the State of Delaware Due to a Public Health Threat;

WHEREAS, the Department of Health and Social Services continues to rely on Delaware's network of healthcare providers to administer COVID-19 vaccines;

WHEREAS, the Department of Health and Social Services issued an order on February 23, 2021 requiring providers to prioritize second doses;

NOW, THEREFORE, pursuant to the authority established in 16 *Del. C.* § 122, and 20 *Del. C.* § 3133, Dr. Karyl T. Rattay, Director of the Division of Public Health, on behalf of the Department of Health and Social Services, hereby order that the February 23, 2021 order is modified, effective Monday, March 15, 2021 at 9:00 a.m. E.D.T. Effective immediately, every healthcare provider administering COVID-19 vaccination in Delaware:

- 1) Shall administer the second dose of a two-dose series to persons who received a first dose from said provider, if so, requested by the vaccinated person. Administration of a second dose shall be a higher priority than administration of a first dose to an unvaccinated person, if vaccine is of insufficient supply to accomplish both.
- 2) Shall have no policy that would prevent the administration of a second dose to a patient of record who received their first dose elsewhere.
- 3) Shall request sufficient second doses for the purposes of this Order. However, if vaccine supply is insufficient no provider shall be penalized for failure to request or administer second doses as required by this order.

Further, the Department of Health and Social Services hereby prohibits healthcare providers from denying administration of a COVID-19 vaccination for reasons of race, color, gender, ethnicity, disability, national origin, age, or any other protected status.

Further, I hereby withdraw the December 9, 2020 Order of the Department of Health and Social Services requiring vaccine reporting as it has been superseded by Executive Order.

Failure to comply with this order may result in a fine as authorized by 16 *Del. C.* 107(a). Repeated failure to comply with this order may result in the cessation of vaccine distribution to the noncompliant provider.

This order remains in effect until withdrawn.

A handwritten signature in black ink, appearing to read 'K. Rattay', written over a horizontal line.

Karyl T. Rattay, MD, MS, FAAP
Director

3/15/21
Date