



# **Delaware Health and Social Services**

## **Office of the Secretary**

1901 N. DUPONT HIGHWAY, NEW CASTLE, DE 19720 \* TELEPHONE: 302-255-9040 FAX: 302-255-4429

### **ORDER OF THE DEPARTMENT OF HEALTH AND SOCIAL SERVICES**

**WHEREAS**, the Department of Health and Social Services has broad authority over long term care facilities and is responsible for overseeing the health and welfare of residents;

**WHEREAS**, the Department of Health and Social Services has a duty to supervise all matters relating to the preservation of the life and health of the people of Delaware;

**WHEREAS**, COVID-19 continues to pose a threat to Delaware's most vulnerable residents and it is critical to maintain increased infection prevention practices and encourage vaccination to reduce the risk of COVID-19 transmission in long term care facilities.

**NOW THEREFORE, Molly K. Magarik, Secretary of the Delaware Department of Health and Social Services**, pursuant to the authority established in 16 *Del.C.* §122(3) and 16 *Del.C.* Ch.11 do hereby declare that this Order shall be effective as of October 19, 2021 at 12:01 a.m. E.D.T., and shall remain in effect until further notice.

#### **DEFINITIONS:**

**“Fully vaccinated against COVID-19”** refers to a person who is  $\geq 2$  weeks following receipt of the second dose in a 2 dose series, or  $\geq 2$  weeks following receipt of one dose of a single-dose vaccine, per the CDC's Public Health Recommendations for Vaccinated Persons.

**“Staff”** means those individuals who work in the facility on a regular (at least once a week) basis, including individuals who may not be physically in the LTC facility for a period of time due to illness, disability, or scheduled time off, but who are expected to return to work. This also includes vendors (any individual who is not employed by the facility but provides direct services to one or more facility residents) and volunteers, who are in the facility on a regular basis. Individuals that are working under an arrangement with the resident's family, not the facility, do not meet the definition of staff.

All skilled and intermediate care facilities, assisted living facilities, rest residential facilities, and intermediate care facilities for persons with intellectual disabilities must:

1. Report the facility's aggregate vaccination data for staff and residents to the Division of Public Health.

(i) Aggregate vaccination data for staff and residents must be preliminarily reported to the Division of Public Health on October 26, 2021. Facilities must provide aggregate vaccination data for staff and residents every seven (7) days.

(ii) Reports shall be made to the [Delaware LTCF Vaccination Reporting Portal \(VRP\)](#).

\*\*Long term care facilities that are certified by the Centers for Medicare and Medicaid Services and reporting vaccination data to the Centers for Disease Control and Prevention, National Healthcare Safety Network are excluded from this reporting requirement.

Failure to comply with the reporting requirement may result in fines as specified in 16 *Del. C.* 107(a).

APPROVED this 19th day of October 2021 at 5 p.m., E.D.T.

DELAWARE DEPARTMENT OF HEALTH AND SOCIAL SERVICES

A handwritten signature in blue ink, appearing to read 'Molly K. Magarik', is written over a horizontal line.

Molly K. Magarik, Secretary