



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 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 27, 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 ≥ 2 weeks following receipt of the second dose in a 2 dose series, or ≥ 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.

- I. All skilled and intermediate care facilities, assisted living facilities, rest residential facilities, and intermediate care facilities for persons with intellectual disabilities that are NOT 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 must report the facility's aggregate vaccination data for staff and residents to the Division of Public Health.

- A. Aggregate vaccination data for staff and residents must be preliminarily reported to the Division of Public Health on November 3, 2021. Facilities must provide aggregate vaccination data for staff and residents every seven (7) days.
- B. Aggregate vaccination data for the third or additional dose of the COVID-19 vaccination for staff and residents must be preliminarily reported to the Division of Public Health on November 3, 2021. Facilities must provide such aggregate vaccination data for staff and residents every seven (7) days.
- C. Reports shall be made to the *Delaware LTCF Vaccination Reporting Portal* (VRP).

II. All skilled and intermediate care facilities, assisted living facilities, rest residential facilities, and intermediate care facilities for persons with intellectual disabilities 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 must report the facility's aggregate vaccination data for the third or additional dose of the COVID-19 vaccination for staff and residents to the Division of Public Health.

- A. Aggregate vaccination data for the third or additional dose of the COVID-19 vaccination for staff and residents must be preliminarily reported to the Division of Public Health on November 3, 2021. Facilities must provide such aggregate vaccination data for staff and residents every seven (7) days.
- B. Reports shall be made to the *Delaware LTCF Vaccination Reporting Portal* (VRP).

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

APPROVED this 27th day of October 2021 at 12 p.m., E.D.T.

DELAWARE DEPARTMENT OF HEALTH AND SOCIAL SERVICES



Molly K. Magarik, Secretary