

## Order of the Department of Health and Social Services

Pursuant to the authority established in 16 *Del. C.* § 122, Dr. Karyl T. Rattay, Director of the Division of Public Health, on behalf of the Department of Health and Social Services, hereby waives the following regulatory requirements for Skilled and Intermediate Care Facilities and Assisted Living Facilities:

### Skilled Care and Intermediate Care Facilities

- Administrative Code, 3201, 6.2.4 - All written or verbal physician orders shall be signed by the attending physician or prescriber within 10 days.
- Administrative Code, 3201, 6.3.4 - The resident assessment shall include a screening instrument for mental illness, mental retardation, and developmental disabilities to assess if an individual has an active treatment need for one of these conditions.
- Administrative Code, 3201, 6.9.2.4 - Minimum requirements for pre-employment tuberculosis (TB) testing require all employees to have a base line two step tuberculin skin test (TST) or single Interferon Gamma Release Assay (IGRA or TB blood test) such as QuantiFeron. Any required subsequent testing according to risk category shall be in accordance with the recommendations of the Centers for Disease Control and Prevention of the U.S. Department of Health and Human Services. Should the category of risk change, which is determined by the Division of Public Health, the facility shall comply with the recommendations of the Center for Disease Control for the appropriate risk category.
  - While the requirement for a two-step test is waived, facilities must complete a one-step TB test upon employment.
- Administrative Code, 3220, 4.1.1 - All CNAs hired to work in a facility shall undergo a minimum of 80 clock hours of orientation, at least 40 of which shall be clinical.
  - The facility is required to provide orientation to infection control, emergency procedures within the building, and orientation to the residents they are assigned to care for.
- An individual that has completed, and received a certificate of completion from, the 8-hour ACHA/NCAL nurse aide training course is hereby authorized to provide direct patient care, so long as any such individual is directly supervised by a certified nursing assistant who holds an active Delaware certification. Any such individual is authorized to provide non-direct patient care under the general supervision of a certified nursing assistant who holds an active Delaware certification.

Assisted Living Facilities

- Administrative Code, 3225, 5.9.4 - An assisted living facility shall not admit, provide services to, or permit the provision of services to individuals who, as established by the resident assessment: Are bedridden for more than 14 days.
  - This waiver pertains only to those residents who are COVID+ or COVID symptomatic. The facility shall provide needed services by appropriate health care professionals and assure that all of the resident’s needs will be met.
  
- Administrative Code, 3225, 5.9.7 - An assisted living facility shall not admit, provide services to, or permit the provision of services to individuals who, as established by the resident assessment: Require treatment for a disease or condition which requires more than contact isolation.
  - This waiver pertains only to those residents who are COVID+ or COVID symptomatic. The facility shall provide needed services by appropriate health care professionals and assure that all of the resident’s needs will be met.
  
- Administrative Code, 3225, 9.5.2 - Minimum requirements for pre-employment require all employees to have a base line two step tuberculin skin test (TST) or single Interferon Gamma Release Assay (IGRA or TB blood test) such as QuantiFeron. Any required subsequent testing according to risk category shall be in accordance with the recommendations of the Centers for Disease Control and Prevention of the U.S. Department of Health and Human Services. Should the category of risk change, which is determined by the Division of Public Health, the facility shall comply with the recommendations of the Center for Disease Control for the appropriate risk category.
  - While the requirement for a two-step test is waived, facilities must complete a one-step TB test upon employment.

This order remains in effect until withdrawn.

  
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Signature

April 9, 2020  
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Date