

## Displaying information for All Roles located in Delaware for All Scenarios

### Liability: Providing Services During an Emergency Declaration

20 Del. C. 3129

Other medical professional, Volunteer / Other, Nurse, Physician, EMT, Government Public Health, Firefighter, Law Enforcement, Veterinarian, Dentist, Pharmacist, Social Worker, Mental and Behavioral Health Professional

When an emergency declaration is in effect, the State, a political subdivision, an employee of the State or a political subdivision, qualified medical personnel, or an entity performing services will not be held legally responsible for acting or failing to act. They can be held legally responsible if acting with extreme carelessness or intent to cause harm.

This section does not limit a person's right to workers' compensation.

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### Liability: Intrastate Mutual Aid

20 Del. C. 3212

Other medical professional, Volunteer / Other, Nurse, Physician, EMT, Government Public Health, Firefighter, Law Enforcement, Veterinarian, Dentist, Pharmacist, Social Worker, Mental and Behavioral Health Professional

An employee or personnel of a political subdivision or fire, rescue, or emergency medical services organization responding to an intrastate mutual aid agreement who provides assistance will not be held legally responsible for acting or failing to act. They can be held legally responsible if acting with extreme carelessness or intent to cause harm.

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### Good Samaritan Law: Nurse

16 Del. C. 6802

Nurse

A registered or licensed practical nurse who, in good faith, provides care at the scene of an emergency or transports a victim to the closest medical facility will not be held legally responsible for acting or failing to act. They can be held legally responsible if acting with extreme carelessness or intent to cause harm.

Generally, Good Samaritan laws only offer protection for those individuals who provide care during spontaneous emergencies unrelated to volunteer deployment.

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### Liability: Providing Shelter

20 Del. C. 3144

Other medical professional, Volunteer / Other, Nurse, Physician, EMT, Government Public Health, Firefighter, Law Enforcement, Veterinarian, Dentist, Pharmacist, Social Worker, Mental and Behavioral Health Professional

An individual, firm, or corporation who owns or controls real estate and, voluntarily and without compensation, allows it to be used to shelter people during an emergency will not be held legally responsible for death, injury, or damage to a person's property while on their real estate.

This section does not apply when the person allowing the use of real estate caused, in whole or in part, the emergency.

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### **Good Samaritan Law: Physician Assistant**

24 Del. C. 1773A(c)

Other medical professional

A physician assistant who, in good faith, provides care at the scene of an emergency will not be held legally responsible for acting or failing to act. They can be held legally responsible if acting with extreme carelessness or intent to cause harm.

This section does not apply if the emergency occurs in the physician assistant's place of work.

Generally, Good Samaritan laws only offer protection for those individuals who provide care during spontaneous emergencies unrelated to volunteer deployment.

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### **Liability: Out-of-State Licensed Health Professional**

20 Del. C. 3140(2)(c)

Other medical professional, Nurse, Physician, EMT, Dentist, Pharmacist, Social Worker, Mental and Behavioral Health Professional

When a public health emergency declaration is in effect, an out-of-state licensed health professional who is in the state to provide aid will not be held legally responsible for acting or failing to act. They can be held legally responsible if acting with extreme carelessness or intent to cause harm.

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### **Good Samaritan Law: Intervening During Criminal Activity**

16 Del. C. 6830

Other medical professional, Volunteer / Other, Nurse, Physician, EMT, Government Public Health, Firefighter, Law Enforcement, Veterinarian, Dentist, Pharmacist, Social Worker, Mental and Behavioral Health Professional

An individual who, in good faith and without compensation, protects another person against certain, serious criminal acts or a person while at the scene of an attempted crime will not be held legally responsible for acting or failing to act. They can be held legally responsible if acting with extreme carelessness or intent to cause harm.

Generally, Good Samaritan laws only offer protection for those individuals who provide care during spontaneous emergencies unrelated to volunteer deployment.

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### **Good Samaritan Law: Medical Professional**

24 Del. C. 1767

Other medical professional, Physician

A certified or licensed physician, physician assistant, respiratory care practitioner, acupuncturist, or midwife who, in good faith, provides care at the scene of an emergency will not be held legally responsible for acting or failing to act. They can be held legally responsible if acting with extreme carelessness.

Generally, Good Samaritan laws only offer protection for those individuals who provide care during spontaneous emergencies unrelated to volunteer deployment.

**Liability: Delaware and State Employee**

10 Del. C. 4001

Other medical professional, Volunteer / Other, Nurse, Physician, EMT, Government Public Health, Firefighter, Law Enforcement, Veterinarian, Dentist, Pharmacist, Social Worker, Mental and Behavioral Health Professional

The State or a state employee who, in good faith, performs an official and discretionary duty will not be held legally responsible for acting or failing to act. They can be held legally responsible if acting with extreme carelessness or intent to cause harm.

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**Liability: Unknown Health Care Directive**

16 Del. C. 2510

Other medical professional, Nurse, Physician, EMT, Dentist

A health care provider who provides life sustaining treatment in an emergency situation when a health care directive is unknown will not be held legally responsible.

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**Good Samaritan Law**

16 Del. C. 6801(a)

Other medical professional, Volunteer / Other, Nurse, Physician, EMT, Government Public Health, Firefighter, Law Enforcement, Veterinarian, Dentist, Pharmacist, Social Worker, Mental and Behavioral Health Professional

An individual who, voluntarily and without compensation, provides first aid, medical care, or rescue assistance to a person in physical distress will not be held legally responsible for acting or failing to act. They can be held legally responsible for acting with extreme carelessness or intent to cause harm.

This section applies to nonprofit member who may or may not receive a salary. This section does not apply when aid, care, or assistance is provided on the premise of a hospital or medical clinic.

Generally, Good Samaritan laws only offer protection for those individuals who provide care during spontaneous emergencies unrelated to volunteer deployment.

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**Liability: Out-of-State Medical Examiner**

20 Del. C. 3140(3)(c)

Other medical professional

When a public health emergency declaration is in effect, an out-of-state medical examiner who is in the state to provide aid will not be held legally responsible for acting or failing to act. They can be held legally responsible if acting with extreme carelessness or intent to cause harm.

**Liability: Food Donation**

16 Del. C. 6820

Volunteer / Other, Government Public Health

An individual who, in good faith, donates food for use or distribution by a nonprofit organization will not be held legally responsible for the nature, age, condition, or packaging of the food.

This section does not apply when the food is being sold by the nonprofit.

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**License Reciprocity: Public Health Emergency**

20 Del. C. 3140(2)

Other medical professional, Nurse, Physician, EMT, Dentist, Pharmacist, Social Worker, Mental and Behavioral Health Professional

When a public health emergency declaration is in effect, the Public Health Authority can waive any or all licensing requirements for out-of-state health care professionals if they have an equivalent license or permit in another state.

The waiver will only be applicable during the time of the declared emergency.

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**License Reciprocity: Interstate Mutual Aid**

20 Del. C. 3208

Other medical professional, Volunteer / Other, Nurse, Physician, EMT, Government Public Health, Firefighter, Law Enforcement, Veterinarian, Dentist, Pharmacist, Social Worker, Mental and Behavioral Health Professional

When an emergency declaration is in effect, a person or entity holding a license, certificate, or permit by a participating political subdivision or for the State in a professional, mechanical, or other skill and provides assistance to a requesting political subdivision will be considered licensed, certified, or permitted in the requesting political subdivision.

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**License Reciprocity: Medical Professional**

24 Del. C. 1724

Other medical professional, Physician

When an emergency declaration is in effect, an out-of-state physician, physician assistant, respiratory care practitioner, acupuncturist, or midwife can apply for a temporary emergency certificate to provide care within the State.

The Board of Medicine can create restrictions and limit locations and scope of practice of those holding a temporary emergency certificate.

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**License Reciprocity: Medical Examiner**

20 Del. C. 3140(3)(a)

Other medical professional

When a public health emergency declaration is in effect, the medical examiner can waive any or all licensing requirements for out-of-state medical examiners if they have an equivalent license or permit in another state.

The waiver will only be applicable during the time of the declared emergency.

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**Scope of Practice: Requirement to Provide Care during Public Health Emergency**

20 Del. C. 3140(1)

Other medical professional, Nurse, Physician, EMT, Dentist, Pharmacist, Social Worker, Mental and Behavioral Health Professional

When a public health emergency declaration is in effect, the Public Health Authority can require licensed health care providers to assist in vaccinations, treatment, examinations, or testing.

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**License Reciprocity: Public Health Emergency**

20 Del. C. 3140(2)

Other medical professional, Nurse, Physician, EMT, Dentist, Pharmacist, Social Worker, Mental and Behavioral Health Professional

When a public health emergency declaration is in effect, the Public Health Authority can waive any or all licensing requirements for out-of-state health care professionals if they have an equivalent license or permit in another state.

The waiver will only be applicable during the time of the declared emergency.

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**Scope of Practice: Physician in an Emergency Vehicle**

CDR 24-1700(9.0)

Physician, EMT

A physician can provide treatment to a patient in an emergency vehicle if the physician is licensed in the state from which the vehicle is departing or is destined.

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**License Exemption: Delivery of Health Care Supplies**

20 Del. C. 3133

Other medical professional, Volunteer / Other, Nurse, Physician, EMT, Government Public Health, Firefighter, Law Enforcement, Veterinarian, Dentist, Pharmacist, Social Worker, Mental and Behavioral Health Professional

When an emergency declaration is in effect, a licensed health care professional or an unlicensed person at the direction of the Public Health Authority who delivers or assists in the delivery of medical supplies or medication to essential workers is exempt from licensing requirements. The medication and supplies must be in their original containers and properly labelled. A licensed health care provider is required to supervise the delivery.

This section does not allow an unlicensed person to deliver an injection.

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**Scope of Practice: Physician Assistant Supervision During an Emergency**

24 Del. C. 1773A(a)

Other medical professional

When an emergency declaration is in effect, a licensed physician assistant who is responding to the need for medical care created by the emergency is not required to have physician supervision to provide care.

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**Workers' Compensation: Volunteer Firefighter**

19 Del. C. 2312

Firefighter

The State can choose to provide workers' compensations for volunteer firefighters who are injured or killed while providing their services. If the State chooses not to provide workers' compensation to volunteer firefighters, the volunteer fire organization can choose to provide workers' compensation to their volunteers who are injured or killed while providing their services.

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**Workers' Benefits: State Agency Employees Volunteer Leave**

29 Del. C. 6003

Other medical professional, Volunteer / Other, Nurse, Physician, EMT, Government Public Health, Firefighter, Law Enforcement, Veterinarian, Dentist, Pharmacist, Social Worker, Mental and Behavioral Health Professional

An employee of a state agency who is a certified disaster service volunteer of the American Red Cross is entitled to leave with regular pay and without loss of seniority, or benefits to participate in disaster relief operations upon request of the American Red Cross.

This is limited to 15 work days in a 12 month period either consecutively or nonconsecutively .

**Workers' Benefits: Volunteer  
Emergency Responder Leave**

19 Del. C. 1803

Other medical professional, Volunteer / Other,  
Nurse, Physician, EMT, Government Public Health,  
Firefighter, Law Enforcement, Veterinarian, Dentist,  
Pharmacist, Social Worker, Mental and Behavioral  
Health Professional

An employer cannot demote, terminate, or take any other disciplinary action against an employee who is a volunteer emergency responder if they are absent due to: responding to a state declaration of emergency for up to 7 consecutive days, a national declaration of emergency for up to 14 consecutive days, or sustained an injury due to their response to a state or national declaration of emergency.

This section does not apply to essential state employees, members of the armed forces, members of the National Guard, EMTs or paramedics employed by a hospital, or employees of public utilities.

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**Workers' Compensation: Intrastate  
Mutual Aid**

20 Del. C. 3211

Other medical professional, Volunteer / Other,  
Nurse, Physician, EMT, Government Public Health,  
Firefighter, Law Enforcement, Veterinarian, Dentist,  
Pharmacist, Social Worker, Mental and Behavioral  
Health Professional

An employee or personnel of a political subdivision or fire, rescue, or emergency medical services organization responding to an intrastate mutual aid agreement and is injured or killed in the course of providing their services is entitled to workers' compensation.

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**Workers' Benefits: State Employee  
Volunteer Leave**

12 Del. C. 6003

Other medical professional, Volunteer / Other,  
Nurse, Physician, EMT, Government Public Health,  
Firefighter, Law Enforcement, Veterinarian, Dentist,  
Pharmacist, Social Worker, Mental and Behavioral  
Health Professional, Minor/Student

A state employee, who is a certified disaster service volunteer of the American Red Cross, is entitled to leave with regular pay to participate in disaster relief operations upon request of American Red Cross. During leave, the employee will not be considered a state employee for the purposes of workers' compensation or tort claims.

This is limited to 15 days in a 12 month period either consecutively or nonconsecutively .

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**Workers' Benefits: Volunteer  
Firefighter, Law Enforcement,  
Ambulance Personnel, or Ladies  
Auxillary Volunteer Leave**

19 Del. C. 719A

Volunteer / Other, EMT, Firefighter, Law  
Enforcement

A volunteer firefighter, law enforcement officer, ambulance personnel, or a ladies auxiliary member cannot be discriminated against during the hiring or discharging process due to their status as a volunteer firefighter, law enforcement officer, ambulance personnel, or ladies auxiliary member.

**Workers' Benefits: State Employee  
Volunteer Leave**

29 Del. C. 5119

An employee of Delaware, who is an active volunteer firefighter or auxiliary member, is entitled to leave without loss of pay, vacation, sick leave, or personal leave to respond to an emergency call.

Volunteer / Other, EMT, Firefighter, Law  
Enforcement

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**Relevant Compacts**

Interstate Civil Defense and Disaster Compact  
Nurse Licensure Compact  
Emergency Management Assistance Compact