

Delaware

Medicaid Program: Delaware Medical Assistance Program

Program Administrator: Delaware Health and Social Services Dept., Division of Social Services

Regional Telehealth Resource Center:

Mid-Atlantic Telehealth Resource Center
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Recent Policy Developments:

In July 2012, the state Medicaid program began reimbursing for telemedicine services. This decision was made administratively, with no change in state law.

STATE LAW/REGULATIONS	MEDICAID PROGRAM
Definition of telemedicine/telehealth	
<p>“Telehealth, as set forth in the Board’s rules and regulations, means the use of electronic communications to provide and deliver a host of health-related information and healthcare services, including physical therapy and athletic training related information and services, over large and small distances. Telehealth encompasses a variety of healthcare and health promotion activities, including education, advice, reminders, interventions, and monitoring of intervention.”</p> <p><i>Source: DE Code. Title 24, Sec. 2602.</i></p> <p>Recently Passed Legislation Group and Blanket Insurance, & Health Insurance Contracts <i>Also applies to: Physicians, Podiatry, Optometry, Chiropractic, Dentistry, Nursing, Occupational Therapy, Physical Therapy, Mental Health, Psychology, Dietetic and Nutrition Therapy, and Clinical Social Work</i> Telehealth means the use of information and communications technologies consisting of telephone, remote patient monitoring devices or other electronic means which support clinical health care, provider consultation, patient and professional health-related education, public health, health administration, and other services as described in regulation.</p> <p><i>Source: DE House Bill 69 (2015); Title 18, Sec. 3370; & Title 18, Sec. 3571R; DE Code Title 24, Sec. 1702, Sec. 502, Sec. 701, Sec. 1101, Sec. 1902, Sec. 2002, Sec. 2101, Sec. 2502, Sec. 3002, Sec. 3502, Sec. 3802, & Sec. 3902.</i></p> <p>Recently Passed Legislation Group and Blanket Insurance, & Health Insurance Contracts Telemedicine means a form of telehealth which is the</p>	<p>“Telemedicine is the use of telecommunication and information technologies to provide clinical health care at a distance”.</p> <p><i>Source: DE Dept. of Health and Social Svcs., Press Release DHSS-59-2012, (Jun. 27, 2012). (Accessed Jul. 2015).</i></p>

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<p>delivery of clinical health care services by means of real time two-way audio, visual or other telecommunications or electronic communications, including the application of secure video conferencing or store and forward transfer technology to provide or support healthcare delivery which facilitate the assessment, diagnosis, consultation, treatment, education, care management and self-management of a patient's health care by a health care provider practicing within his or her scope of practice as would be practiced in-person with a patient, and legally allowed to practice in the state, while such patient is at an originating site and the health care provider is at a distant site.</p> <p><i>Source: DE House Bill 69 (2015); Title 18, Sec. 3370; & Title 18, Sec. 3571R.</i></p> <p><u>Recently Passed Legislation</u> <i>Applies to: Physicians, Podiatry, Optometry, Chiropractic, Dentistry, Nursing, Occupational Therapy, Physical Therapy, Mental Health, Psychology, Dietetic and Nutrition Therapy, Clinical Social Work</i></p> <p>Telemedicine means a form of telehealth which is the delivery of clinical health care services by means of real time two-way audio, visual or other telecommunications or electronic communications, including the application of secure video conferencing or store and forward transfer technology to provide or support healthcare delivery which facilitate the assessment, diagnosis, consultation, treatment, education, care management and self-management of a patient's health care by a licensee practicing within his or her scope of practice as would be practiced in-person with a patient and with other restrictions as defined in regulation.</p> <p><i>Source: DE House Bill 69 (2015) & DE Code Title 24, Sec. 1702, Sec. 502, Sec. 701, Sec. 1101, Sec. 1902, Sec. 2002, Sec. 2101, Sec. 2502, Sec. 3002, Sec. 3502, Sec. 3802, & Sec. 3902.</i></p>	
Live Video Reimbursement	
<p>No reference found.</p>	<p>The Delaware Medical Assistance Program will reimburse for "telemedicine-delivered services."</p> <p><i>Source: DE Dept. of Health and Social Svcs., Press Release DHSS-59-2012, (Jun. 27, 2012). (Accessed Jul. 2015).</i></p> <p>The GT modifier (which indicates the service occurred via interactive audio and video telecommunication system) can be used for Early and Periodic Screening, Diagnostic and Treatment Services through the School Based Health Services program.</p> <p><i>Source: DE School Based Health Services Specific Policy Manual, pg. 62 (May 19, 2013). (Accessed Jul. 2015).</i></p>
Store and Forward Reimbursement	

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No reference found.	No reference found.
Remote Patient Monitoring Reimbursement	
No reference found.	No reference found.
Email/Phone/FAX	
No reference found.	<p data-bbox="824 453 1492 573"><u>Federally Qualified Health Centers</u> Telephone consultations are covered services that are included in the payment made to the FQHC and should not be billed as an encounter.</p> <p data-bbox="824 604 1492 653"><i>Source: Delaware FQHC Provider Specific Policy Manual, pg. 5. (Accessed Jul. 2015).</i></p>
Online Prescribing	
<p data-bbox="139 726 799 909">Pharmacists are prohibited from dispensing prescription drug orders through an Internet pharmacy if the pharmacist knows that the prescription order was issued solely on the basis of an Internet consultation or questionnaire, or medical history form submitted to an Internet pharmacy through an Internet site.</p> <p data-bbox="151 938 581 963"><i>Source: DE Code, Title 16 Sec. 4744 (2012).</i></p> <p data-bbox="139 989 496 1016"><u>Recently Passed Legislation</u></p> <p data-bbox="151 1018 440 1045"><i>APRNs and Physicians</i></p> <p data-bbox="151 1050 729 1106">Establishing a proper provider-patient relationship includes:</p> <ul data-bbox="196 1113 773 1425" style="list-style-type: none"> • Verifying the location of requesting patient; • Disclosing the provider’s identity and credentials; • Obtaining consent; • Establishing a diagnosis through acceptable medical practices, including a physical exam; • Discuss with patient the diagnosis; • Ensure availability of distant site provider or coverage of patient for follow up care; and • Provide written visit summary to patient <p data-bbox="139 1457 388 1484"><i>Physician & APRNs</i></p> <p data-bbox="139 1488 761 1606">Without a prior patient-provider relationship providers are prohibited from issuing prescriptions based on internet questionnaire, internet consult or a telephone consult.</p> <p data-bbox="139 1640 750 1730">Prescriptions through telemedicine and under a physician-patient relationship may include controlled substances, subject to limitations set by the Board.</p> <p data-bbox="139 1761 786 1810"><i>Source: DE House Bill 69 (2015); Title 24, Sec. 1769D & DE Code Title 24, Sec. 1932.</i></p> <p data-bbox="151 1835 290 1862"><i>Physicians</i></p> <p data-bbox="151 1866 755 1923">Prior to a diagnosis and treatment a physician using telemedicine must either provide:</p> <ul data-bbox="196 1927 615 1955" style="list-style-type: none"> • An appropriate in-person exam; 	No reference found.

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<ul style="list-style-type: none"> • Have another DE licensed practitioner at the originating site with the patient at the time of diagnosis; • Diagnosis must be based using both audio and visual communication; or • The service meets standards of establishing a patient-physician relationship included as part of evidenced-based clinical practice guidelines in telemedicine developed by major medical specialty societies. <p><i>Source: DE House Bill 69 (2015); Title 24, Sec. 1769D .</i></p>	
Consent	
<p><u>Recently Passed Legislation</u> Informed consent must be obtained to establish a physician-patient relationship over telehealth.</p> <p><i>Source: DE House Bill 69 (2015); Title 24, Sec. 1769D & DE Code Title 24, Sec. 1932.</i></p>	No reference found.
Location	
No reference found.	Eligible originating sites: <ul style="list-style-type: none"> • Hospitals; • Federally qualified health centers (FQHC); • Public health clinics; • Program for All-Inclusive Care for the Elderly (PACE) centers. <p><i>Source: DE Dept. of Health and Social Svcs., Press Release DHSS-59-2012, (Jun. 27, 2012). (Accessed Jul. 2015).</i></p>
Cross-State Licensing	
No reference found.	No reference found.
Private Payers	
<p><u>Recently Passed Legislation</u> Private payers must provide coverage for the cost of health care services provided through telemedicine, and telehealth as directed through regulations by the Department.</p> <p>Insurers must pay for telemedicine services at the same rate as in-person.</p> <p><i>Source: DE House Bill 69 (2015); Title 18, Sec. 3370; & Title 18, Sec. 3571R.</i></p>	No reference found.
Site/Transmission Fee	
<p><u>Recently Passed Legislation</u> Private payers: Payment for telemedicine must include reasonable compensation to the originating or distant site for the transmission cost.</p> <p><i>Source: DE House Bill 69 (2015); Title 18, Sec. 3370; & Title 18,</i></p>	The originating site will be reimbursed a facility fee for the telemedicine space and equipment. <p><i>Source: DE Dept. of Health and Social Svcs., Press Release DHSS-59-2012, (Jun. 27, 2012). (Accessed Jul. 2015).</i></p>

STATE LAW/REGULATIONS	MEDICAID PROGRAM
<i>Sec. 3571R.</i>	
Miscellaneous	

Comments:

New Legislation Passed Relating to:

- Physical Therapists and Athletic Trainers (*Source: DE Statute Title 24, Sec. 2602*)