

## 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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STATE LAW/REGULATIONS	MEDICAID PROGRAM
<b>Definition of telemedicine/telehealth</b>	
<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><b>Group and Blanket Insurance, &amp; Health Insurance Contracts</b>  <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></p> <p>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; &amp; 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, &amp; Sec. 3902.</i></p> <p><b>Group and Blanket Insurance, &amp; Health Insurance Contracts</b></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</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 Mar. 2016).</i></p>

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<p>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; &amp; Title 18, Sec. 3571R.</i></p> <p><b>Applies to: Physicians, Podiatry, Optometry, Chiropractic, Dentistry, Nursing, Occupational Therapy, Physical Therapy, Mental Health, Psychology, Dietetic and Nutrition Therapy, Clinical Social Work</b></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) &amp; 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, &amp; Sec. 3902.</i></p>	
<b>Live Video Reimbursement</b>	
No reference found.	<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 Mar. 2016).</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 Mar. 2016).</i></p>
<b>Store and Forward Reimbursement</b>	
No reference found.	No reference found.
<b>Remote Patient Monitoring Reimbursement</b>	
No reference found.	No reference found.
<b>Email/Phone/FAX</b>	

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No reference found.	<p><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><i>Source: Delaware FQHC Provider Specific Policy Manual, pg. 5. (Accessed Mar. 2016).</i></p>
<b>Online Prescribing</b>	
<p>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><i>Source: DE Code, Title 16 Sec. 4744 (2012).</i></p> <p><b>APRNs and Physicians</b> Establishing a proper provider-patient relationship includes:</p> <ul style="list-style-type: none"> <li>• Verifying the location of requesting patient;</li> <li>• Disclosing the provider's identity and credentials;</li> <li>• Obtaining consent;</li> <li>• Establishing a diagnosis through acceptable medical practices, including a physical exam;</li> <li>• Discuss with patient the diagnosis;</li> <li>• Ensure availability of distant site provider or coverage of patient for follow up care; and</li> <li>• Provide written visit summary to patient</li> </ul> <p><b>Physician &amp; APRNs</b> Without a prior patient-provider relationship providers are prohibited from issuing prescriptions based on internet questionnaire, internet consult or a telephone consult.</p> <p>Prescriptions through telemedicine and under a physician-patient relationship may include controlled substances, subject to limitations set by the Board.</p> <p><i>Source: DE House Bill 69 (2015); Title 24, Sec. 1769D &amp; DE Code Title 24, Sec. 1932.</i></p> <p><b>Physicians</b> Prior to a diagnosis and treatment a physician using telemedicine must either provide:</p> <ul style="list-style-type: none"> <li>• An appropriate in-person exam;</li> <li>• Have another DE licensed practitioner at the originating site with the patient at the time of diagnosis;</li> <li>• Diagnosis must be based using both audio and visual communication; or</li> <li>• The service meets standards of establishing a patient-physician relationship included as part</li> </ul>	No reference found.

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<p>of evidenced-based clinical practice guidelines in telemedicine developed by major medical specialty societies.</p> <p><i>Source: DE House Bill 69 (2015); Title 24, Sec. 1769D.</i></p>	
<b>Consent</b>	
<p>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 &amp; DE Code Title 24, Sec. 1932.</i></p>	No reference found.
<b>Location</b>	
<p><b>Recently Approved Rule (Now Effective)</b> An approved originating site may include the DMAP member's place of residence.</p> <p><i>Source: 19 DE Reg. 191.</i></p>	<p>Eligible originating sites:</p> <ul style="list-style-type: none"> <li>• Hospitals;</li> <li>• Federally qualified health centers (FQHC);</li> <li>• Public health clinics;</li> <li>• Program for All-Inclusive Care for the Elderly (PACE) centers.</li> </ul> <p><i>Source: DE Dept. of Health and Social Svcs., Press Release DHSS-59-2012, (Jun. 27, 2012). (Accessed Mar. 2016).</i></p>
<b>Cross-State Licensing</b>	
No reference found.	No reference found.
<b>Private Payers</b>	
<p><b>Recently Passed Legislation</b> 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; &amp; Title 18, Sec. 3571R.</i></p>	No reference found.
<b>Site/Transmission Fee</b>	
<p><b>Recently Passed Legislation</b> 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; &amp; Title 18, Sec. 3571R.</i></p>	<p>The originating site will be reimbursed a facility fee for the telemedicine space and equipment.</p> <p><i>Source: DE Dept. of Health and Social Svcs., Press Release DHSS-59-2012, (Jun. 27, 2012). (Accessed Mar. 2016).</i></p>
<b>Miscellaneous</b>	

**Comments:**Professional regulation with telehealth specific standards

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