

Delaware

Medicaid Program: Delaware Medical Assistance Program (DMAP)

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

Regional Telehealth Resource Center:

Mid-Atlantic Telehealth Resource Center
 PO Box 800711
 Charlottesville, VA 22908-0711
 (434) 906-4960 / (855) MATRC4U
www.matrc.org

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>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></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: 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>Group and Blanket Insurance, & Health Insurance Contracts</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 a cost-effective alternate to face-to-face encounters where access to care is compromised due to the lack of available service providers in the patient’s geographical location. This definition is modeled on Medicare’s definition for telehealth services located at 42 CFR Sec. 410.78. Note that the Federal Medicaid statute does not recognize telemedicine as a distinct service.</p> <p>...</p> <p>For purposes of DMAP, telemedicine is the use of medical or behavioral health information exchanged from one site to another site via an electronic interactive (two-way, real time) telecommunications system to improve a patient’s health.</p> <p><i>Source: DE Medical Assistance Program. Practitioner Provider Specific Manual, 7/1/17. Ch. 16 Telemedicine (accessed Oct. 2017).</i></p> <p>https://medicaidpublications.dhss.delaware.gov/dotnetnuke/DesktopModules/Bring2mind/DMX/Download.aspx?Command=Core_Download&EntryId=259&language=en-US&PortalId=0&TabId=94</p>

STATE LAW/REGULATIONS	MEDICAID PROGRAM
<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: Title 18, Sec. 3370; & Title 18, Sec. 3571R.</i></p> <p>Applies to: Physicians, Podiatry, Optometry, Chiropractic, Dentistry, Nursing, Occupational Therapy, Physical Therapy, Mental Health, Psychology, Dietetic and Nutrition Therapy, Clinical Social Work</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 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>Applies to: Mental Health Counseling, Chemical Dependency Counseling, or Marriage and Family Therapy</p> <p>"Telehealth Services" means the practice of Mental Health Counseling, Chemical Dependency Counseling, or Marriage and Family Therapy (hereinafter referred to as Behavioral Health Practice) by distance communication technology such as but not necessarily limited to telephone, email, Internet-based communications, and videoconferencing.</p> <p><i>Source: DE Admin. Code Title 24, Sec. 3000. http://regulations.delaware.gov/AdminCode/title24/3000.shtml</i></p> <p>NOTE: DE Professional Boards each have a different definition of telehealth/telepractice/telemedicine. See "Comments" section for references.</p>	
Live Video Reimbursement	
No reference found.	DE Medicaid reimburses for live video telemedicine services for up to three different consulting providers for separately identifiable telemedicine services provided to a member per date of service. Eligible distant site providers include:

STATE LAW/REGULATIONS	MEDICAID PROGRAM
	<ul style="list-style-type: none"> • Inpatient/outpatient hospitals • Physicians (or PAs under the physician’s supervision) • Certified Nurse Practitioners • Nurse Midwives • Licensed Psychologists • Licensed Clinical Social Workers • Licensed Professional Counselors of Mental Health • Speech Language Therapists • Audiologists • Other providers as approved by the DMAP <p>Medical Professional Sites:</p> <ul style="list-style-type: none"> • Physicians (or PAs under the supervision of a physician) • Certified Nurse Practitioner • Medical and Behavioral Health Therapists <p><i>Source: DE Medical Assistance Program. Practitioner Provider Specific Manual, 7/1/17. Ch. 16 Telemedicine (accessed Oct. 2017).</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 (Apr. 1, 2016). (Accessed Oct. 2017).</i></p>
Store and Forward Reimbursement	
No reference found.	<p>Asynchronous or “store and forward” applications do not meet the DMAP definition of telemedicine.</p> <p><i>Source: DE Medical Assistance Program. Practitioner Provider Specific Manual, 7/1/17. Ch. 16 Telemedicine (accessed Oct. 2017).</i></p>
Remote Patient Monitoring Reimbursement	
No reference found.	No reference found.
Email/Phone/FAX	
No reference found.	<p>Telephone, chart review, electronic mail messages, facsimile transmissions or internet services for online medical evaluations are not considered telemedicine.</p> <p><i>Source: DE Medical Assistance Program. Practitioner Provider Specific Manual, 7/1/17. Ch. 16 Telemedicine (accessed Oct. 2017).</i></p> <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>

STATE LAW/REGULATIONS	MEDICAID PROGRAM
	<p><i>Source: Delaware FQHC Provider Specific Policy Manual, pg. 5. (Accessed Oct. 2017).</i></p>
Online Prescribing	
<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>APRNs and Physicians Establishing a proper provider-patient relationship includes:</p> <ul 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>Physician & APRNs 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: Title 24, Sec. 1769D & DE Code Title 24, Sec. 1932.</i></p> <p>Physicians Prior to a diagnosis and treatment a physician using telemedicine must either provide:</p> <ul style="list-style-type: none"> • An appropriate in-person exam; • 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>After a relationship has been established, subsequent</p>	<p>Provider manual lays out three different models for prescribing:</p> <p>First Model: Distant site provider consults with referring provider about appropriate medication. Referring provider executes prescription.</p> <p>Second Model: Consulting provider works with medical professional at the originating site to provide front line care, including prescription writing.</p> <p>Third Model: the consulting provider prescribes and sends/calls-in the initial prescription.</p> <p>For stimulants, narcotics and refills, hard copy prescriptions can be written and sent via delivery service to the referring site for the consumer to pick up a couple days after the appointment (see manual for more details).</p> <p><i>Source: DE Medical Assistance Program. Practitioner Provider Specific Manual, 7/1/17. Ch. 16 Telemedicine (accessed Oct. 2017).</i></p>

STATE LAW/REGULATIONS	MEDICAID PROGRAM
<p>treatment of the same patient with the same physician need not satisfy the limitations of this section.</p> <p>This section shall not limit the practice of radiology or pathology.</p> <p><i>Source: Title 24, Sec. 1769D.</i></p>	
Consent	
<p>Informed consent must be obtained to establish a physician-patient relationship over telehealth.</p> <p><i>Source: Title 24, Sec. 1769D & DE Code Title 24, Sec. 1932.</i></p> <p>Applies to: Mental Health Counseling, Chemical Dependency Counseling, or Marriage and Family Therapy</p> <p>Informed consent required by Boards (see regulation citations in “Comment” area).</p>	<p>Recipient must provide consent to use telemedicine. It must be obtained by either the referring, consulting, or distant provider. An exception is made for involuntary detention and commitment.</p> <p><i>Source: DE Medical Assistance Program. Practitioner Provider Specific Manual, 7/1/17. Ch. 16 Telemedicine (accessed Oct. 2017).</i></p>
Location	
<p>An approved originating site may include the DMAP member's place of residence.</p> <p><i>Source: 19 DE Reg. 191.</i></p>	<p>An originating site can include the member's place of residence, day program or alternative location in which the member is physically present and telemedicine can be effectively utilized.</p> <p>The Distant site provider must be located within the continental US.</p> <p><i>Source: DE Medical Assistance Program. Practitioner Provider Specific Manual, 7/1/17. Ch. 16 Telemedicine (accessed Oct. 2017).</i></p>
Cross-State Licensing	
No reference found.	No reference found.
Private Payers	
<p>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: Title 18, Sec. 3370; & Title 18, Sec. 3571R.</i></p>	No reference found.
Site/Transmission Fee	
<p>Private payers: Payment for telemedicine must include reasonable compensation to the originating or distant site for the transmission cost.</p> <p><i>Source: Title 18, Sec. 3370; & Title 18, Sec. 3571R.</i></p>	<p>A facility fee for the following originating site providers is covered:</p> <ul style="list-style-type: none"> • Outpatient hospitals • Inpatient Hospitals • FQHCs

STATE LAW/REGULATIONS	MEDICAID PROGRAM
	<ul style="list-style-type: none"> • RHCs • Renal Dialysis Centers • Skilled Nursing Facilities • Intermediate Care Facilities for Individuals with Intellectual Disabilities (ICF/IID) • Intermediate Care Facilities/Institutions for Mental Diseases (ICF/IMDs) • Outpatient Mental Health/Substance Abuse Centers/Clinics • Community Mental Health Centers/Clinics • Public Health Clinics • PACE Centers • Assisted Living Facilities • School-based Wellness Centers • Other sites approved by DMAP <p>Patient's home qualifies as originating site, but does not warrant an originating site fee.</p> <p><i>Source: DE Medical Assistance Program. Practitioner Provider Specific Manual, 7/1/17. Ch. 16 Telemedicine (accessed Oct. 2017).</i></p>
Miscellaneous	

Comments:

Professional regulation with telehealth specific standards

- Physical Therapists and Athletic Trainers (Source: DE Statute Title 24, Sec. 2602)
- Board of Mental Health and Chemical Dependency Professionals (Source: DE Admin. Code Title 24, Sec. 3000)
- Board of Clinical Social Work Examiners (Source: 24 DAC 3900)
- Respiratory Care Practice Advisory Council (Source: 24 DAC 1770) Board of Examiners in Optometry (Source: 24 DAC 2100)
- Board of Occupational Therapy Practice (Source: 24 DAC 2000)