

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

Covers the States of: Delaware, Kentucky, Maryland, New Jersey, North Carolina, Pennsylvania, Virginia, and West Virginia as well as the District of Columbia

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Medicaid Telehealth Reimbursement	Summary	<p>Delaware Medical Assistance Program (DMAP) reimburses for live video telemedicine for certain providers and for patients at specific sites. DMAP does not reimburse for store-and-forward and makes no reference to remote patient monitoring.</p>
	Definitions	<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>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>Source: <i>DE Medical Assistance Program. Practitioner Provider Specific Manual, 6/22/18. Ch. 16 Telemedicine (Accessed Sept. 2018) & Adult Behavioral Health Service Certification and Reimbursement. Dec. 14, 2016. Sec. 1.8. (Accessed Sept. 2018).</i></p>
	Live Video	<p>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.</p> <p>Source: <i>DE Medical Assistance Program. Practitioner Provider Specific Manual, 6/22/18. Ch. 16 Telemedicine (Accessed Sept. 2018) & Adult Behavioral Health Service Certification and Reimbursement. Dec. 14, 2016. Sec. 1.8. (Accessed Sept. 2018).</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>Source: <i>DE School Based Health Services Specific Policy Manual, pg. 62 (Sept. 1, 2016). (Accessed Sept. 2018).</i></p>

Eligible Services / Special-

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.

Source: DE School Based Health Services Specific Policy Manual, pg. 62 (Sept. 1, 2016). (Accessed Sept. 2018).

Eligible Providers

Eligible distant site providers include:

- 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

Source: DE Medical Assistance Program. Practitioner Provider Specific Manual, 6/22/18. Ch. 16 Telemedicine (Accessed Sept. 2018) & Adult Behavioral Health Service Certification and Reimbursement. Dec. 14, 2016. Sec. 1.8. (Accessed Sept. 2018).

Eligible Sites

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.

Source: DE Medical Assistance Program. Practitioner Provider Specific Manual, 6/22/18. Ch. 16 Telemedicine (Accessed Sept. 2018) & Adult Behavioral Health Service Certification and Reimbursement. Dec. 14, 2016. Sec. 1.8. (Accessed Sept. 2018).

Medical Professional Sites:

- Physicians (or PAs under the supervision of a physician)
- Certified Nurse Practitioner
- Medical and Behavioral Health Therapists

Source: DE Medical Assistance Program. Practitioner Provider Specific Manual, 6/22/18. Ch. 16 Telemedicine (Accessed Sept. 2018) & Adult Behavioral Health Service Certification and Reimbursement. Dec. 14, 2016. Sec. 1.8. (Accessed Sept. 2018).

An approved originating site may include the DMAP member’s place of residence.

Source: 19 DE Reg. 191.

Geographic Limits

No reference found.

Medicaid Telehealth Reimbursement

Live Video	Facility/Transmission Fee	<p>A facility fee for the following originating site providers is covered:</p> <ul style="list-style-type: none"> • Outpatient hospitals • Inpatient Hospitals • FQHCs • 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>Facility fees for the distant site are not covered.</p> <p>Source: DE Medical Assistance Program. <i>Practitioner Provider Specific Manual</i>, 6/22/18. Ch. 16 Telemedicine (Accessed Sept. 2018).</p>
	Policy	<p>Asynchronous or "store-and-forward" applications do not meet the DMAP definition of telemedicine.</p> <p>Source: DE Medical Assistance Program. <i>Practitioner Provider Specific Manual</i>, 6/22/18. Ch. 16 Telemedicine (Accessed Sept. 2018) & <i>Adult Behavioral Health Service Certification and Reimbursement</i>. Dec. 14, 2016. Sec. 1.8. (Accessed Sept. 2018).</p>
Store-and-Forward	Eligible Services/Specialties	<p>No reference found.</p>
	Geographic Limits	<p>No reference found.</p>

Email / Phone / Fax

Telephone, chart review, electronic mail messages, facsimile transmissions or internet services for online medical evaluations are not considered telemedicine.

Source: DE Medical Assistance Program. *Practitioner Provider Specific Manual, 6/22/18. Ch. 16 Telemedicine (Accessed Sept. 2018).*

Federally Qualified Health Centers

Telephone consultations are covered services that are included in the payment made to the FQHC and should not be billed as an encounter.

Source: Delaware FQHC Provider Specific Policy Manual, pg. 5. (Accessed Sept. 2018).

Consent

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.

Source: DE Medical Assistance Program. *Practitioner Provider Specific Manual, 6/22/18. Ch. 16 Telemedicine (Accessed Sept. 2018) & Adult Behavioral Health Service Certification and Reimbursement. Dec. 14, 2016. Sec. 1.8. (Accessed Sept. 2018).*

Out of State Providers

The Distant site provider must be located within the continental US.

Source: DE Medical Assistance Program. *Practitioner Provider Specific Manual, 6/22/18. Ch. 16 Telemedicine (Accessed Sept. 2018).*

Miscellaneous

Provider manual lays out three different models for prescribing:

- **First Model:** Distant site provider consults with referring provider about appropriate medication. Referring provider executes prescription.
- **Second Model:** Consulting provider works with medical professional at the originating site to provide front line care, including prescription writing.
- **Third Model:** The consulting provider prescribes and sends/calls-in the initial prescription.

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).

Source: DE Medical Assistance Program. *Practitioner Provider Specific Manual, 6/22/18. Ch. 16 Telemedicine (Accessed Sept. 2018) & Adult Behavioral Health Service Certification and Reimbursement. Dec. 14, 2016. Sec. 1.8. (Accessed Sept. 2018).*

Confidentiality, privacy and electronic security standards for telemedicine as well as a contingency plan required of telemedicine sites is listed in the DE Behavioral Health Service Certification and Reimbursement manual.

Source: DE Medical Assistance Program. *Adult Behavioral Health Service Certification and Reimbursement. Dec. 14, 2016. Sec. 1.8. (Accessed Sept. 2018).*

Definitions

Group and Blanket Insurance, & Health Insurance Contracts

Also applies to: Physicians, Podiatry, Optometry, Chiropractic, Dentistry, Nursing, Occupational Therapy, Physical Therapy, Mental Health, Psychology, Dietetic and Nutrition Therapy, Pharmacy, and Clinical Social Work

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.

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. 2500, & Sec. 3902.

Group and Blanket Insurance, & Health Insurance Contracts

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 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.

Source: Title 18, Sec. 3370; & Title 18, Sec. 3571R.

Requirements

Private payers must provide coverage for the cost of health care services provided through telemedicine, and telehealth as directed through regulations by the Department. Insurers must pay for telemedicine services at the same rate as in-person. Payment for telemedicine must include reasonable compensation to the originating or distant site for the transmission cost.

Source: Title 18, Sec. 3370; & Title 18, Sec. 3571R.

Parity

Service Parity

A payer must reimburse the provider for the diagnosis, consultation, or treatment of the patient on the same basis as in-person services for telemedicine.

Source: Title 18, Sec. 3370; & Title 18, Sec. 3571R.

Payment Parity

Insurers must pay for telemedicine services at the same rate as in-person.

Source: Title 18, Sec. 3370; & Title 18, Sec. 3571R.

Applies to: Physical Therapy, dietetics and nutrition services “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.”

Source: DE Code. Title 24, Sec. 2602.

Applies to: Occupational Therapy “Telehealth” means the use of information and communications technologies consisting of telephones, 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.

Source: DE Code. Title 24, Sec. 2002.

Applies to: Physicians, Podiatry, Optometry, Chiropractic, Dentistry, Nursing, Occupational Therapy, Mental Health, Psychology, Dietetic and Nutrition Therapy, Clinical Social Work 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.

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.

Applies to: Mental Health Counseling, Chemical Dependency Counseling, or Marriage and Family Therapy

“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.

Source: DE Admin. Code Title 24, Sec. 3000.

NOTE: DE Professional Boards each have a different definition of telehealth/telepractice/telemedicine. See “Comments” section for references.

Informed consent must be obtained to establish a physician-patient relationship over telehealth.

Source: Title 24, Sec. 1769D & DE Code Title 24, Sec. 1933.

Applies to: Mental Health Counseling, Chemical Dependency Counseling, or Marriage and Family Therapy

Informed consent required by Boards (see regulation citations in “Comment” area).

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.

Source: DE Code, Title 16 Sec. 4744.

APRNs and Physicians

Establishing a proper provider-patient relationship includes:

- 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.

Physician & APRNs

Without a prior patient-provider relationship providers are prohibited from issuing prescriptions based on internet questionnaire, internet consult or a telephone consult.

Prescriptions through telemedicine and under a physician-patient relationship may include controlled substances, subject to limitations set by the Board.

Source: Title 24, Sec. 1769D & DE Code Title 24, Sec. 1933.

Physicians

Prior to a diagnosis and treatment a physician using telemedicine must either provide:

- 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.

After a relationship has been established, subsequent treatment of the same patient with the same physician need not satisfy the limitations of this section.

This section shall not limit the practice of radiology or pathology.

Source: Title 24, Sec. 1769D.

A remote audio only examination is not an "appropriate in-person examination".

No opioid prescribing is permitted via telemedicine with the exception of addiction treatment programs offering medication assisted treatment that have received a Division of Substance Abuse and Mental Health (DSAMH) waiver to use telemedicine through DSAMH's licensure or renewal process. All other controlled substance prescribing utilizing telemedicine is held to the same standards of care and requisite practice as prescribing for in-person visits.

For formation of the physician-patient relationship using audio and visual communications, the audio and visual communications must be live, real-time communications.

Source: DE Admin Code. Sec. 1700. Sec. 19.

Member of Nurses Licensure compact.

Source: *Nurse Licensure Compact. Current NLC States and Status. Accessed Sept. 2018.*

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:** *24 DAC 3000*)
- Board of Clinical Social Work Examiners (**Source:** *24 DAC 3900*)
- Respiratory Care Practice Advisory Council (**Source:** *24 DAC 1769D*)
- Board of Examiners in Optometry (**Source:** *24 DAC 2100*)
- Board of Occupational Therapy Practice (**Source:** *24 DAC 2000*)
- Board of Speech/Language Pathologists, Audiologists and Hearing Aid Dispensers (**Source:** *24 DAC 3700*)
- Board of Dietetics/Nutrition (**Source:** *24 DAC 3800*)
- Board of Dentistry and Dental Hygiene (**Source:** *24 DAC 1100*)
- Genetic Counselor Advisory Council (**Source:** *24 DAC 1799*)
- Pharmacy (**Source:** *24 DAC 2500*)

