

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 www.matrc.org

Delaware Policy At-a-Glance

MEDICAID REIMBURSEMENT			PRIVATE PAYER LAW		PROFESSIONAL REQUIREMENTS	
LIVE VIDEO	STORE-AND-FORWARD	REMOTE PATIENT MONITORING	LAW EXISTS	PAYMENT PARITY	LICENSING COMPACT	CONSENT REQUIREMENT
✓	✗	✗	✓	✓	NLC, PTC, PSYPACT	✓

Delaware Detailed Policy

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, 3/9/20. Ch. 16 Telemedicine, pg. 77 (Accessed Apr. 2020).</i></p> <p>Interactive telecommunications system to improve a patient's health. Telemedicine services are provided with specialized equipment at each site including real-time streaming via the use of:</p> <ul style="list-style-type: none"> • Video Camera • Audio Equipment • Monitor • The telecommunications must permit real-time encryption of the interactive audio and video exchanges with the consulting provider. <p>Source: <i>DE Medical Assistance Program. Adult Behavioral Health Service Certification and Reimbursement. Dec. 14, 2016. Sec. 1.8. (Accessed Apr. 2020).</i></p>



Policy

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.

Source: DE Medical Assistance Program. Practitioner Provider Specific Manual, 3/9/20. Ch. 16 Telemedicine, Sec. 16.8.2, pg. 82 & Adult Behavioral Health Service Certification and Reimbursement. Dec. 14, 2016. Sec. 1.8. (Accessed Apr. 2020).

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. 57 8/20/18. (Accessed Apr. 2020).

The referring provider is not required to be present at the originating site, however the recipient of the services must be present.

Reimbursement to the referring provider will only occur when providing a separately identifiable covered service.

Source: DE Medical Assistance Program. Practitioner Provider Specific Manual, 3/9/20. Ch. 16 Telemedicine, pg. 79-80 (Accessed Apr. 2020).

The recipient:

- Must be able to verbally communicate, either directly or through a representative, with the originating and distant site providers,
- Must be able to receive services via telemedicine, and
- Must have provided consent for the use of telemedicine.

Source: DE Medical Assistance Program. Practitioner Provider Specific Manual, 2/21/20. Ch. 16.5.5 Telemedicine, pg. 81 (Accessed Apr. 2020).

Eligible Services / Specialties

Interactive audio and video telecommunications can be used for group physical therapy in the 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. 57 (8/20/18). (Accessed Apr. 2020).

Rate Methodologies for the CPT codes under the telemedicine section of the State Plan for Adult Behavioral Health Services are paid at a lower rate and provided in the manual.

Source: DE Medical Assistance Program. Adult Behavioral Health Service Certification and Reimbursement. Dec. 14, 2016. Sec. 1.8. (Accessed Apr. 2020).

Eligible Providers

To receive payment for services delivered through telemedicine technology from DMAP or MCOs, healthcare practitioners must:

- Act within their scope of practice;
- Be licensed (in Delaware, or the State in which the provider is located if exempted under Delaware State law to provide telemedicine services without a Delaware license) for the service for which they bill DMAP;
- Be enrolled with DMAP/MCOs;
- Be located within the continental United States;
- Be credentialed by DMMA-contracted MCOs, when needed;
- Submit a DMMA Disclosure Form.

Source: Adult Behavioral Health Service Certification and Reimbursement. Dec. 14, 2016. Sec. 1.8. (Accessed Apr. 2020).



Eligible Providers

Eligible distant site providers include:

- Inpatient/outpatient hospitals (including ER)
- 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, 3/9/20. Ch. 16.2.4.3 Telemedicine, pg. 77-78, & Adult Behavioral Health Service Certification and Reimbursement. Dec. 14, 2016. Sec. 1.8. (Accessed Apr. 2020).*

Eligible Sites

An originating site refers to the facility in which the Medicaid patient is located at the time the telemedicine service is being furnished. An approved originating site may include the DMAP member’s place of residence, day program, or alternate location in which the member is physically present and telemedicine can be effectively utilized.

Medical Facility Sites:

- Outpatient Hospitals
- Inpatient Hospitals
- Federally Qualified Health Centers
- Rural Health Centers
- 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
- Patient’s Home (must comply with HIPAA, privacy, secure communications, etc., and does not warrant an originating site fee)
- Other Sites as approved by DE Medicaid

Medical Professional Sites:

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

Source: DE Medical Assistance Program. *Practitioner Provider Specific Manual, 3/9/20. Ch. 16.2.5.4.1 Telemedicine, pg. 78, & Adult Behavioral Health Service Certification and Reimbursement. Dec. 14, 2016. Sec. 1.8. (Accessed Apr. 2020).*

Geographic Limits

There are no geographical limitations within Delaware regarding the location of an originating site provider.

Source: DE Adult Behavioral Health Service Certification and Reimbursement. Dec. 14, 2016. Sec. 1.8, p. 12. (Accessed Apr. 2020).



Medicaid Telehealth Reimbursement

Live Video	Facility/Transmission Fee	<p>A facility fee is covered for originating sites.</p> <p>Facility fees for the distant site are not covered.</p> <p>Only one facility fee is permitted per date, per member.</p> <p>Source: DE Medical Assistance Program. <i>Practitioner Provider Specific Manual, 3/9/20. Ch. 16 Telemedicine, pg. 77-82 (Accessed Apr. 2020).</i></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, 3/9/20. Ch. 16.3.4.1 Telemedicine, pg. 80 & Adult Behavioral Health Service Certification and Reimbursement. Dec. 14, 2016. Sec. 1.8. (Accessed Apr. 2020).</i></p>
Store-and-Forward	Eligible Services/Specialties	No reference found.
	Geographic Limits	No reference found.
	Transmission Fee	No reference found.



Medicaid Telehealth Reimbursement

Remote Patient Monitoring	Policy	No reference found.
	Conditions	No reference found.
	Provider Limitations	No reference found.
	Other Restrictions	No reference found.
Email / Phone / Fax	<p>Telephone, chart review, electronic mail messages, facsimile transmissions or internet services for online medical evaluations are not considered telemedicine.</p> <p>Source: DE Medical Assistance Program. <i>Practitioner Provider Specific Manual</i>, 3/9/20. Ch. 16.8.1, Telemedicine, pg. 82, (Accessed Apr. 2020).</p>	
Consent	<p>Recipient must provide written 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. An exception applies when a DMAP recipient is detained or committed to a facility for care.</p> <p>Source: DE Medical Assistance Program. <i>Practitioner Provider Specific Manual</i>, 3/9/20. Ch. 16.6 & 16.7 Telemedicine, pg. 81-82, & <i>Adult Behavioral Health Service Certification and Reimbursement</i>. Dec. 14, 2016. Sec. 1.8. (Accessed Apr. 2020).</p>	



The Distant site provider must be located within the continental US and enrolled in the DE Medicaid program or in a DE Medicaid Managed Care Organization to be reimbursed for services.

Source: DE Medical Assistance Program. Practitioner Provider Specific Manual, 3/9/20. Ch. 16 Telemedicine pg. 77 & 81. (Accessed Apr. 2020).

Provider manual lays out three different models for prescribing:

- **First Model:** The distant provider consults with the referring healthcare practitioner (if present during the telemedicine session or by other means) about appropriate medications. The referring provider then executes the prescription locally for the patient.
- **Second Model:** The consulting provider works with a medical professional at the originating site to provide front line care, including writing prescriptions. This method is common at mental health centers. The medical professional must be available on site to write the prescription exactly as described by the consulting healthcare practitioner.
- **Third Model:** The consulting healthcare practitioner directly prescribes and sends/calls-in the initial prescription or refill to the patient’s pharmacy.

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, 3/9/20. Ch. 16 Telemedicine, p. 83 & Adult Behavioral Health Service Certification and Reimbursement. Dec. 14, 2016. Sec. 1.8. (Accessed Apr. 2020).

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 Apr. 2020).

Group and Blanket Insurance, & Health Insurance Contracts

Also applies to: Physicians, Podiatry, Optometry, Chiropractic, Dentistry, Nursing, Occupational 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. 2500, & Sec. 3902. (Accessed Apr. 2020).

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. (Accessed Apr. 2020).



Private Payer Laws	Requirements	<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. 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.</p> <p>Private payers may not impose an annual or lifetime dollar maximum on coverage for telemedicine services other than what would apply in the aggregate to all items and services covered under the policy. Additionally, no copayment, coinsurance, or deductible amounts, or any policy year, calendar year, lifetime, or other durational benefit limitation or maximum for benefits or services may be imposed unless equally imposed on all terms and services under the policy.</p> <p>Source: Title 18, Sec. 3370; & Title 18, Sec. 3571R. (Accessed Apr. 2020).</p>	
	Parity	Service Parity	<p>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.</p> <p>Source: Title 18, Sec. 3370; & Title 18, Sec. 3571R. (Accessed Apr. 2020).</p>
		Payment Parity	<p>An insurer, health service corporation, or health maintenance organization shall reimburse the treating provider or the consulting provider for the diagnosis, consultation, or treatment of the insured delivered through telemedicine services on the same basis and at least at the rate that the insurer, health service corporation, or health maintenance organization is responsible for coverage for the provision of the same service through in-person consultation or contact. Payment for telemedicine interactions shall include reasonable compensation to the originating or distant site for the transmission cost incurred during the delivery of health-care services.</p> <p>Source: Title 18, Sec. 3370; & Title 18, Sec. 3571R. (Accessed Sept. 2019).</p>
Professional Regulation/Health & Safety	Definitions	<p>Applies to: Physical Therapy “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>Source: Title 24, Sec. 2602. (Accessed Apr. 2020).</p> <p>Applies to: Physicians, Podiatry, Optometry, Chiropractic, Dentistry, Nursing, Occupational Therapy, Mental Health, Psychology, Dietetic and Nutrition Therapy, Pharmacy, and Clinical Social Work “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.</p> <p>Source: DE Code. Title 24, Sec. 2002. (Accessed: Apr. 2020).</p>	



Definitions

Applies to: Physicians, Podiatry, Optometry, Chiropractic, Dentistry, Nursing, Occupational Therapy, Mental Health, Chemical Dependency Professionals, Psychology, Dietetic and Nutrition Therapy, Clinical Social Work, and Professional Art Therapists

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. 3060, Sec. 3502, Sec. 3802, & Sec. 3902 & DE Code Title 24, Chapter 30, Sec. 3002. (Accessed Apr. 2020).

Applies to: Mental Health and Chemical Dependency Professionals

"Telemedicine" means a form of telehealth which is the delivery of clinical health-care services by means of real time 2-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 health-care 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, Chapter 30, Sec. 3002. (Accessed Apr. 2020).

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

Consent

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

Source: Title 24, Sec. 1769D & DE Code Title 24, Sec. 1933 (Apr. 2020).

Informed consent required by Boards (see regulation citations in Miscellaneous area).

Online Prescribing

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(d)(1)(a). (Accessed Apr. 2020).

APRNs and Physicians

Establishing a proper provider-patient relationship includes:

- Verifying the location of and to the extent possible, the identity of the 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.

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(b) & DE Code Title 24, Sec. 1933(b)(4)(g). (Accessed Apr. 2020).



Online Prescribing

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(h)(i)(j). (Accessed Apr. 2020).

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. (Accessed Apr. 2020).

Cross-State Licensing

Member of Nurses Licensure compact.

Source: Nurse Licensure Compact. Current NLC States and Status. (Accessed Apr. 2020).

Member of Physical Therapy Licensure Compact.

Source: PT Compact. Member States. (Accessed Apr. 2020).

Member of Psychology Interjurisdictional Compact.

Source: PSYPACT. Legislative Updates. (Accessed Apr. 2020).

Miscellaneous

Professional regulation with telehealth specific standards

- Physical Therapists and Athletic Trainers (**Source:** DE Statute Title 24, Sec. 2602) (Accessed Apr. 2020).
- Board of Mental Health and Chemical Dependency Professionals (**Source:** DE Admin. Code Title 24, Sec. 3002) (Accessed Apr. 2020).
- Board of Clinical Social Work Examiners (**Source:** 24 DAC 3902 & 3920) (Accessed Apr. 2020).
- Respiratory Care Practice Advisory Council (**Source:** 24 DAC 1769D) (Accessed Apr. 2020).
- Board of Examiners in Optometry (**Source:** 24 DAC 2101) (Accessed Apr. 2020).
- Board of Occupational Therapy Practice (**Source:** 224 DAC 2002) (Accessed Apr. 2020).
- Board of Dietetics/Nutrition (**Source:** 24 DAC 3802) (Accessed Apr. 2020).
- Board of Dentistry and Dental Hygiene (**Source:** 24 DAC 1101) (Accessed Apr. 2020).
- Pharmacy (**Source:** 24 DAC 2500) (Accessed Apr. 2020).

