



SPONSOR: Rep. Bentz

HOUSE OF REPRESENTATIVES
150th GENERAL ASSEMBLY

HOUSE AMENDMENT NO. 1
TO
HOUSE SUBSTITUTE NO. 1
FOR
HOUSE BILL NO. 348

1 AMEND House Substitute No. 1 to House Bill No. 348 by striking line 29 through line 34 and inserting in lieu
2 thereof the following:

3 “(6) The interest of Delawareans will be served by ensuring that the provisions in the Declaration of the State
4 of Emergency, as modified, pertaining to authorizing telemedicine without a pre-existing provider-patient relationship
5 and through the use of land-lines and other technology which does not have a video component, as well as permitting
6 out-of-state mental health practitioners to practice in Delaware subject to Division of Professional Regulation oversight
7 are maintained to facilitate the delivery of health care services during and in the aftermath of the serious public health
8 threat occasioned by COVID-19.”

9 FURTHER AMEND House Substitute No. 1 to House Bill No. 348 by striking line 40 through line 45 and
10 inserting in lieu thereof the following:

11 “(1) “Distant site” means a site at which a health care provider legally allowed to practice in the state is
12 located while providing health care services by means of telemedicine or telehealth.”

13 FURTHER AMEND House Substitute No. 1 to House Bill No. 348 by striking line 67 through line 72 and
14 inserting in lieu thereof the following:

15 “(1) “Distant site” means a site at which a health care provider legally allowed to practice in the state is
16 located while providing health care services by means of telemedicine or telehealth.”

17 FURTHER AMEND House Substitute No. 1 to House Bill No. 348 on line 87 and 88 by deleting “or other
18 jurisdiction when treating a Delaware resident” which appear after “state” and before “while”.

19 FURTHER AMEND House Substitute No. 1 to House Bill No. 348 by striking line 105 through line 110 and
20 inserting in lieu thereof the following:

21 “(4) “Distant site” means a site at which a health care provider legally allowed to practice in the state is
22 located while providing health care services by means of telemedicine.”

23 FURTHER AMEND House Substitute No. 1 to House Bill No. 348 on line 125 and line 126 by deleting “or other
24 jurisdiction when treating a Delaware resident” which appear after “state” and before “while”.

25 FURTHER AMEND House Substitute No. 1 to House Bill No. 348 by striking line 129 through line 134 and
26 inserting in lieu thereof the following:

27 “(4) “Distant site” means a site at which a health care provider legally allowed to practice in the state is
28 located while providing health care services by means of telemedicine.”

29 FURTHER AMEND House Substitute No. 1 to House Bill No. 348 on line 149 and line 150 by deleting “or other
30 jurisdiction when treating a Delaware resident.” which appear after “state” and before “while”.

31 FURTHER AMEND House Substitute No. 1 to House Bill No. 348 by striking line 174 to line 179 and inserting
32 in lieu thereof the following:

33 “(3) “Distant site” means a site at which a health care provider legally allowed to practice in the state is
34 located while providing health care services by means of telemedicine or telehealth.”

35 FURTHER AMEND House Substitute No. 1 to House Bill No. 348 by striking line 207 to line 212 and inserting
36 in lieu thereof the following:

37 “(3) “Distant site” means a site at which a health care provider legally allowed to practice in the state is
38 located while providing health care services by means of telemedicine or telehealth.”

39 FURTHER AMEND House Substitute No. 1 to House Bill No. 348 by striking line 243 to line 248 and inserting
40 in lieu thereof the following:

41 “(2) “Distant site” means a site at which a health care provider legally allowed to practice in the state is
42 located while providing health care services by means of telemedicine or telehealth.”

43 FURTHER AMEND House Substitute No. 1 to House Bill No. 348 by striking line 278 to line 283 and inserting
44 in lieu thereof the following:

45 “(8) “Distant site” means a site at which a health care provider legally allowed to practice in the state is
46 located while providing health care services by means of telemedicine or telehealth.”

47 FURTHER AMEND House Substitute No. 1 to House Bill No. 348 by striking line 315 to line 320 and inserting
48 in lieu thereof the following:

49 “(8) “Distant site” means a site at which a health care provider legally allowed to practice in the state is
50 located while providing health care services by means of telemedicine or telehealth.”

51 FURTHER AMEND House Substitute No. 1 to House Bill No. 348 by striking line 353 to line 358 and inserting
52 in lieu thereof the following:

53 “(i) “Distant site” means a site at which a health care provider legally allowed to practice in the state is located
54 while providing health care services by means of telemedicine or telehealth.”

55 FURTHER AMEND House Substitute No. 1 to House Bill No. 348 by striking line 388 to line 393 and inserting
56 in lieu thereof the following:

57 “(i) “Distant site” means a site at which a health care provider legally allowed to practice in the state is located
58 while providing health care services by means of telemedicine or telehealth.”

59 FURTHER AMEND House Substitute No. 1 to House Bill No. 348 by striking line 437 to line 442 and inserting
60 in lieu thereof the following:

61 “(3) “Distant site” means a site at which a health care provider legally allowed to practice in the state is
62 located while providing health care services by means of telemedicine or telehealth.”

63 FURTHER AMEND House Substitute No. 1 to House Bill No. 348 by deleting lines 479 and line 483 in their
64 entirety and inserting in lieu thereof the following:

65 “site at which a health care provider legally allowed to practice in the state is located while providing health care
66 services by means of telemedicine or telehealth. “Originating site””.

67 FURTHER AMEND House Substitute No. 1 to House Bill No. 348 by striking line 497 to line 502 and inserting
68 in lieu thereof the following:

69 “(6) “Distant site” means a site at which a health care provider legally allowed to practice in the state is
70 located while providing health care services by means of telemedicine or telehealth.”

71 FURTHER AMEND House Substitute No. 1 to House Bill No. 348 by striking line 623 to line 628 and inserting
72 in lieu thereof the following:

73 “(5) “Distant site” means a site at which a health care provider legally allowed to practice in the state is
74 located while providing health care services by means of telemedicine or telehealth.”

SYNOPSIS

Since Governor Carney issued the Declaration of a State of Emergency as modified since March 12, 2020, the fear that Delaware’s health care system would be overwhelmed by the pandemic has eased to the point where the need to rely on out-of-state health care practitioners has diminished. Accordingly, this Amendment eliminates authorization for out-of-state practitioners to practice telemedicine and telehealth in Delaware with the exception of mental health care providers. It retains the suspension of any Delaware Board of Medical Licensure and Discipline Regulations which limit the practice of telemedicine. The authorization to use audio-only communication devices and to dispense with a pre-existing patient provider relationship if it is impractical to have an in-person encounter prior to the delivery of telehealth services is maintained. The suspension of the Delaware Board of Medical Licensure and Discipline Regulation regarding prescribing opioids is also maintained.