



SPONSOR: Rep. B. Short & Sen. McDowell
Reps. Bennett, Bolden, Briggs King, Carson, Hensley,
Hudson, J. Johnson, Lynn, Miro, Mitchell, Mulrooney,
Ramone, Smyk, Spiegelman, Viola; Sens. Bonini, Ennis,
Simpson, Sokola

HOUSE OF REPRESENTATIVES
149th GENERAL ASSEMBLY

HOUSE BILL NO. 201

AN ACT TO AMEND TITLE 24 OF THE DELAWARE CODE RELATING TO TELEMEDICINE.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

1 Section 1. Amend Section 1769D, Title 24 of the Delaware Code by making deletions as shown by strike through
2 and insertions as shown by underline as follows and redesignating accordingly:

3 § 1769D. Telemedicine and telehealth.

4 (h) Physicians using telemedicine technologies to provide medical care to patients located in Delaware must, prior
5 to a diagnosis and treatment, either provide:

6 (1) An appropriate examination in-person;

7 (2) Have another Delaware-licensed practitioner at the originating site with the patient at the time of the
8 diagnosis;

9 (3) The diagnosis must be based using both audio and visual communication; or

10 (4) The service meets standards of establishing a patient-physician relationship included as part of
11 evidenced-based clinical practice guidelines in telemedicine developed by major medical specialty societies, ~~such~~
12 ~~as those of radiology or pathology.~~

13 (i) After a physician-patient relationship is properly established in accordance with this section, subsequent
14 treatment of the same patient with the same physician need not satisfy the limitations of this section.

15 (j) Nothing in this section shall be construed to limit the practice of radiology or pathology.

SYNOPSIS

This Act clarifies that after a physician-patient relationship has been properly established in accordance with this section, subsequent communications and treatment may be conducted as the doctor and patient deem appropriate. As with all practice of medicine, such subsequent interactions must still meet the standard of care for the given field of medicine.

The Act also clarifies that this statute is not intended to limit the practice of radiology or pathology – fields in which it has long been standard for an off-site specialist to examine records created by a treating physician or technician.