



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.”

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

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

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

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

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

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

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

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

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

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

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

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

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

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

FURTHER AMEND House Substitute No. 1 to House Bill No. 348 by striking line 353 to line 358 and inserting 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.