



SPONSOR: Rep. Bentz & Sen. Townsend

HOUSE OF REPRESENTATIVES  
150th GENERAL ASSEMBLY

HOUSE BILL NO. 348

AN ACT TO AMEND TITLES 18 AND 24 OF THE DELAWARE CODE RELATING TO TELEMEDICINE SERVICES.

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

1 Section 1. The General Assembly finds and declares all of the following:

2 (1) On March 12, 2020 Governor John C. Carney declared a State of Emergency effective as of March 13,  
3 2020 due to the serious public health threat created by the novel coronavirus, "Covid-19."

4 (2) On March 18, 2020 Governor John C. Carney issued the Second Modification of the March 12, 2020  
5 Declaration of a State of Emergency due to a Public Health Threat which, inter alia, suspended all Title 24 statutory  
6 requirements that patients present in-person before telemedicine services may be provided so long as the patient is a  
7 Delaware resident and directed that any out of state health care provider holding an active license in another  
8 jurisdiction who would be permitted to provide telemedicine services in Delaware if licensed under Title 24 may  
9 provide telemedicine services to a Delaware resident. The March 18, 2020 Second Modification also suspended the  
10 Delaware Board of Medical Licensure and Discipline Regulation 19 requiring that telemedicine communications  
11 include a visual communication component.

12 (3) On March 30, 2020 Governor John C. Carney issued the Eighth Modification of the March 12, 2020  
13 Declaration of a State of Emergency due to a Public Health Threat which stated: "4. a. To the extent not suspended by  
14 the Second Modification of the Declaration of a State of Emergency, all regulations requiring any in-person contact  
15 before or during telemedicine services by any medical professional are hereby suspended."

16 (4) On April 6, 2020 Governor John C. Carney issued the Tenth Modification of the March 12, 2020  
17 Declaration of a State of Emergency due to a Public Health Threat which stated: "6. INSURANCE: Pursuant to the  
18 authority provided in 20 Del. C. §3116(a)(2), requirements for the provision of telemedicine and telehealth under Title  
19 24 of the Delaware Code that require both audio and visual technology are suspended, which will allow the use of non-  
20 smart phone or landline connections."

21 (5) The interest of Delawareans will be served by ensuring the provisions addressed in the Declaration of the  
22 State of Emergency as modified pertaining to telemedicine are maintained into the foreseeable future to facilitate the

23 delivery of health care services during and in the aftermath of the serious public health threat occasioned by COVID-  
24 19.

25 Section 2. Amend Chapter 33 of Title 18 of the Delaware Code by making deletions as shown by strike through  
26 and insertions as shown by underline as follows:

27 Chapter 33. Health Insurance Contracts

28 § 3370. Telemedicine.

29 (a) As used in this section:

30 (1) “Distant site” means a site at which a health care provider legally allowed to practice in the state or at  
31 which a health care provider licensed in another jurisdiction who would be permitted to provide services in Delaware if  
32 licensed under this title is located while providing health care services by means of telemedicine or telehealth.

33 (2) “Originating site” means a site in Delaware or outside of Delaware if the patient is a Delaware resident at  
34 which a patient is located at the time health care services are provided to him or her by means of telemedicine or  
35 telehealth, unless the term is otherwise defined with respect to the provision in which it is used; provided, however,  
36 notwithstanding any other provision of law, insurers and providers may agree to alternative siting arrangements  
37 deemed appropriate by the parties.

38 (4) “Telehealth” means the use of information and communications technologies consisting of telephones,  
39 remote patient monitoring devices or other electronic means which support clinical health care, provider consultation,  
40 patient and professional health-related education, public health, health administration, and other services as described  
41 in regulation; which may not require the use of technology permitting visual communication.

42 (5) “Telemedicine” means a form of telehealth which is the delivery of clinical health care services by means  
43 of real time two-way audio, visual, or other telecommunications or electronic communications, including the  
44 application of secure video conferencing or store and forward transfer technology to provide or support healthcare  
45 delivery, which facilitate the assessment, diagnosis, consultation, treatment, education, care management and self-  
46 management of a patient’s health care by a health care provider practicing within his or her scope of practice as would  
47 be practiced in-person with a patient, and legally allowed to practice in the state, or other jurisdiction when treating a  
48 Delaware resident, while such patient is at an originating site and the health care provider is at a distant site.

49 Section 3. Amend Chapter 35 of Title 18 of the Delaware Code by making deletions as shown by strike through  
50 and insertions as shown by underline as follows:

51 Chapter 35. Group and Blanket Health Insurance.

52 § 3571R. Telemedicine.

53 (a) As used in this section:

54 (1) "Distant site" means a site at which a health care provider legally allowed to practice in the state or at  
55 which a health care provider licensed in another jurisdiction who would be permitted to provide services in Delaware if  
56 licensed under this title is located while providing health care services by means of telemedicine or telehealth.

57 (2) "Originating site" means a site in Delaware or outside of Delaware if the patient is a Delaware resident at  
58 which a patient is located at the time health care services are provided to him or her by means of telemedicine or  
59 telehealth, unless the term is otherwise defined with respect to the provision in which it is used; provided, however,  
60 notwithstanding any other provision of law, insurers and providers may agree to alternative siting arrangements  
61 deemed appropriate by the parties.

62 (4) "Telehealth" means the use of information and communications technologies consisting of telephones,  
63 remote patient monitoring devices or other electronic means which support clinical health care, provider consultation,  
64 patient and professional health-related education, public health, health administration, and other services as described  
65 in regulation: which may not require the use of technology permitting visual communication.

66 (5) "Telemedicine" means a form of telehealth which is the delivery of clinical health care services by means  
67 of real time two-way audio, visual, or other telecommunications or electronic communications, including the  
68 application of secure video conferencing or store and forward transfer technology to provide or support healthcare  
69 delivery, which facilitate the assessment, diagnosis, consultation, treatment, education, care management and self-  
70 management of a patient's health care by a health care provider practicing within his or her scope of practice as would  
71 be practiced in-person with a patient, and legally allowed to practice in the state, or other jurisdiction when treating a  
72 Delaware resident while such patient is at an originating site and the health care provider is at a distant site.

73 (b) Each insurer proposing to issue individual or group accident and sickness insurance policies providing hospital,  
74 medical and surgical, or major medical coverage on an expense-incurred basis; each corporation providing individual or  
75 group accident and sickness subscription contracts; and each health maintenance organization providing a health care plan  
76 for health care services shall provide coverage for the cost of such health care services provided through telemedicine.

77 (c) Each insurer proposing to issue individual or group accident and sickness insurance policies providing hospital,  
78 medical and surgical, or major medical coverage on an expense-incurred basis; each corporation providing individual or  
79 group accident and sickness subscription contracts; and each health maintenance organization providing a health care plan  
80 for health care services shall provide coverage for the cost of such health care services provided through telehealth as  
81 directed through regulations promulgated by the Department: which may not require the use of technology permitting  
82 visual communication.

83 Section 4. Amend Chapter 17, Title 24 of the Delaware Code by making deletions as shown by strike through and  
84 insertions as shown by underline as follows:

85 Chapter 17. Medical Practice Act

86 Subchapter I. General Provisions.

87 §1702 Definitions [Effective until Jan. 1, 2021].

88 The following definitions apply to this chapter unless otherwise expressly stated or implied by the context:

89 (4) “Distant site” means a site at which a health care provider legally allowed to practice in the state or at  
90 which a health care provider licensed in another jurisdiction who would be permitted to provide services in Delaware if  
91 licensed under this title is located while providing health care services by means of telemedicine.

92 (10) “Originating site” means a site in Delaware or outside of Delaware if the patient is a Delaware resident at  
93 which a patient is located at the time health care services are provided to him or her by means of telemedicine, unless  
94 the term is otherwise defined with respect to the provision in which it is used; provided, however, notwithstanding any  
95 other provision of law, insurers and providers may agree to alternative siting arrangements deemed appropriate by the  
96 parties.

97 (16) “Telehealth” means the use of information and communications technologies consisting of telephones,  
98 remote patient monitoring devices or other electronic means which support clinical health care, provider consultation,  
99 patient and professional health-related education, public health, health administration, and other services as described  
100 in ~~regulation.~~ regulation, which may not require the use of technology permitting visual communication.

101 (17) “Telemedicine” means a form of telehealth which is the delivery of clinical health care services by means  
102 of real time two-way audio, visual, or other telecommunications or electronic communications, including the  
103 application of secure video conferencing or store and forward transfer technology to provide or support healthcare  
104 delivery, which facilitate the assessment, diagnosis, consultation, treatment, education, care management and self-  
105 management of a patient’s health care by a health care provider practicing within his or her scope of practice as would  
106 be practiced in-person with a patient, legally allowed to practice in the state, or other jurisdiction when treating a  
107 Delaware resident, while such patient is at an originating site and the health care provider is at a distant site.

108 §1702 Definitions [Effective Jan. 1, 2021].

109 The following definitions apply to this chapter unless otherwise expressly stated or implied by the context:

110 (4) “Distant site” means a site at which a health care provider legally allowed to practice in the state or at  
111 which a health care provider licensed in another jurisdiction who would be permitted to provide services in Delaware if  
112 licensed under this title is located while providing health care services by means of telemedicine.

113 (11) “Originating site” means a site in Delaware or outside of Delaware if the patient is a Delaware resident at  
114 which a patient is located at the time health care services are provided to him or her by means of telemedicine, unless  
115 the term is otherwise defined with respect to the provision in which it is used; provided, however, notwithstanding any  
116 other provision of law, insurers and providers may agree to alternative siting arrangements deemed appropriate by the  
117 parties.

118 (17) “Telehealth” means the use of information and communications technologies consisting of telephones,  
119 remote patient monitoring devices or other electronic means which support clinical health care, provider consultation,  
120 patient and professional health-related education, public health, health administration, and other services as described  
121 ~~in regulation.~~ regulation, which may not require the use of technology permitting visual communication.

122 (18) “Telemedicine” means a form of telehealth which is the delivery of clinical health care services by means  
123 of real time two-way audio, visual, or other telecommunications or electronic communications, including the  
124 application of secure video conferencing or store and forward transfer technology to provide or support healthcare  
125 delivery, which facilitate the assessment, diagnosis, consultation, treatment, education, care management and self-  
126 management of a patient’s health care by a health care provider practicing within his or her scope of practice as would  
127 be practiced in-person with a patient, legally allowed to practice in the state, or other jurisdiction when treating a  
128 Delaware resident, while such patient is at an originating site and the health care provider is at a distant site.

129 § 1769D. Telemedicine and Telehealth.

130 (c) Treatment and consultation recommendations made in an online setting or through audio only communication,  
131 including issuing a prescription via electronic means, will be held to the same standards of appropriate practice as those in  
132 traditional (encounter in person) settings.

133 (g) Prescriptions, including for opioids, made through telemedicine and under a physician-patient relationship may  
134 include controlled ~~substances, subject to limitations as set by the Board~~ substances. Prescribing controlled substances  
135 utilizing telemedicine is subject to the same standard of care and requisite practice as prescribing for in-person visits.

136 (k) Telemedicine may be practiced without a physician-patient relationship during:

137 (1) Informal consultation performed by a physician outside the context of a contractual relationship and on an  
138 irregular or infrequent basis without the expectation or exchange of direct or indirect compensation;

139 (2) Furnishing of medical assistance by a physician in case of an emergency or disaster if no charge is made  
140 for the medical assistance; ~~or~~

141 (3) Episodic consultation by a medical specialist located in another jurisdiction who provides such  
142 consultation services on request to a licensed health care professional.

143           (4) The pendency of the emergency resulting from COVID-19 which makes it impractical for a patient to  
144           consult with a physician in-person prior to the delivery of telemedicine services.

145           Section 5. Amend Chapter 5, Title 24 of the Delaware Code by making deletions as shown by strike through and  
146 insertions as shown by underline as follows:

147           Chapter 5. Podiatry

148           Subchapter I. Board of Podiatry.

149           § 502 Definitions [Effective until Jan. 1, 2021]

150           The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them  
151 under this section, except where the context clearly indicates a different meaning:

152           (3) “Distant site” means a site at which a health care provider legally allowed to practice in the state or at  
153           which a health care provider licensed in another jurisdiction who would be permitted to provide services in Delaware if  
154           licensed under this title is located while providing health care services by means of telemedicine or telehealth.

155           (10) “Originating site” means a site in Delaware or outside of Delaware if the patient is a Delaware resident at  
156           which a patient is located at the time health care services are provided to him or her by means of telemedicine or  
157           telehealth, unless the term is otherwise defined with respect to the provision in which it is used; provided, however,  
158           notwithstanding any other provision of law, insurers and providers may agree to alternative siting arrangements  
159           deemed appropriate by the parties.

160           (11) "Practice of podiatry" shall mean the diagnosis and the medical, surgical, mechanical, manipulative and  
161           electrical treatment of all ailments of the foot and ankle. As appropriate in regulation, these services may be performed  
162           with the use of Telemedicine. Podiatry may also include participation in Telehealth, as further defined in regulation.  
163           Telemedicine or Telehealth regulations may not require the use of technology permitting visual communication.  
164           Amputation of the foot shall be restricted to state licensed podiatrists who have completed an American Podiatric  
165           Medical Association accredited surgical residency program acceptable to the Board and have current amputation  
166           privileges, or have fulfilled the credentialing criteria of the surgical committee of the Joint Committee on Accreditation  
167           of Hospitals accredited hospital where the amputation is to be performed.

168           (17) “Telehealth” means the use of information and communications technologies consisting of telephones,  
169           remote patient monitoring devices or other electronic means which support clinical health care, provider consultation,  
170           patient and professional health-related education, public health, health administration, and other services as described  
171           in regulation-which may not require the use of technology permitting visual communication.

172 (18) "Telemedicine" means the delivery of clinical health care services by means of real time two-way audio,  
173 visual, or other telecommunications or electronic communications, including the application of secure video  
174 conferencing or store and forward transfer technology to provide or support healthcare delivery, which facilitate the  
175 assessment, diagnosis, consultation, treatment, education, care management and self-management of a patient's health  
176 care by a licensee practicing within his or her scope of practice as would be practiced in-person with a patient and with  
177 other restrictions as defined in regulation.~~which may not require the use of technology permitting visual~~  
178 communication.

179 § 502 Definitions [Effective Jan. 1, 2021]

180 The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them  
181 under this section, except where the context clearly indicates a different meaning:

182 (3) "Distant site" means a site at which a health care provider legally allowed to practice in the state or at  
183 which a health care provider licensed in another jurisdiction who would be permitted to provide services in Delaware if  
184 licensed under this title is located while providing health care services by means of telemedicine or telehealth.

185 (11) "Originating site" means a site in Delaware or outside of Delaware if the patient is a Delaware resident at  
186 which a patient is located at the time health care services are provided to him or her by means of telemedicine or  
187 telehealth, unless the term is otherwise defined with respect to the provision in which it is used; provided, however,  
188 notwithstanding any other provision of law, insurers and providers may agree to alternative siting arrangements  
189 deemed appropriate by the parties.

190 (13) "Practice of podiatry" shall mean the diagnosis and the medical, surgical, mechanical, manipulative and  
191 electrical treatment of all ailments of the foot and ankle. As appropriate in regulation, these services may be performed  
192 with the use of Telemedicine. Podiatry may also include participation in Telehealth, as further defined in regulation.  
193 Telemedicine or Telehealth regulations may not require the use of technology permitting visual communication.  
194 Amputation of the foot shall be restricted to state licensed podiatrists who have completed an American Podiatric  
195 Medical Association accredited surgical residency program acceptable to the Board and have current amputation  
196 privileges, or have fulfilled the credentialing criteria of the surgical committee of the Joint Committee on Accreditation  
197 of Hospitals accredited hospital where the amputation is to be performed.

198 (18) "Telehealth" means the use of information and communications technologies consisting of telephones,  
199 remote patient monitoring devices or other electronic means which support clinical health care, provider consultation,  
200 patient and professional health-related education, public health, health administration, and other services as described  
201 in regulation.~~which may not require the use of technology permitting visual communication.~~

202 (19) "Telemedicine" means the delivery of clinical health care services by means of real time two-way audio,  
203 visual, or other telecommunications or electronic communications, including the application of secure video  
204 conferencing or store and forward transfer technology to provide or support healthcare delivery, which facilitate the  
205 assessment, diagnosis, consultation, treatment, education, care management and self-management of a patient's health  
206 care by a licensee practicing within his or her scope of practice as would be practiced in-person with a patient and with  
207 other restrictions as defined in ~~regulation~~ regulation, which may not require the use of technology permitting visual  
208 communication.

209 Section 6. Amend Chapter 7, Title 24 of the Delaware Code by making deletions as shown by strike through and  
210 insertions as shown by underline as follows:

211 Chapter 7. Board of Chiropractic.

212 § 701 Chiropractic defined; limitation of chiropractic license.

213 (a)(1) "Chiropractic" means a drugless system of health care based on the principle that interference with the  
214 transmission of nerve impulses may cause disease.

215 (2) "Distant site" means a site at which a health care provider legally allowed to practice in the state or at  
216 which a health care provider licensed in another jurisdiction who would be permitted to provide services in Delaware if  
217 licensed under this title is located while providing health care services by means of telemedicine or telehealth.

218 (3) "Originating site" means a site in Delaware or outside of Delaware if the patient is a Delaware resident at  
219 which a patient is located at the time health care services are provided to him or her by means of telemedicine or  
220 telehealth, unless the term is otherwise defined with respect to the provision in which it is used; provided, however,  
221 notwithstanding any other provision of law, insurers and providers may agree to alternative siting arrangements  
222 deemed appropriate by the parties.

223 (5) "Telehealth" means the use of information and communications technologies consisting of telephones,  
224 remote patient monitoring devices or other electronic means which support clinical health care, provider consultation,  
225 patient and professional health-related education, public health, health administration, and other services as described  
226 in ~~regulation~~ regulation, which may not require the use of technology permitting visual communication.

227 (6) "Telemedicine" means a form of telehealth which the delivery of clinical health care services by means of  
228 real time two-way audio, visual, or other telecommunications or electronic communications, including the application  
229 of secure video conferencing or store and forward transfer technology to provide or support healthcare delivery, which  
230 facilitate the assessment, diagnosis, consultation, treatment, education, care management and self-management of a  
231 patient's health care by a licensee practicing within his or her scope of practice as would be practiced in-person with a



232 patient and with other restrictions as defined in regulation. which may not require the use of technology requiring  
233 visual communication.

234 (b) The practice of chiropractic includes, but is not limited to, the diagnosing and locating of misaligned or  
235 displaced vertebrae (subluxation complex), using x-rays and other diagnostic test procedures. The practice includes the use  
236 of telemedicine and may also include the practice of and participation in Telehealth, as further defined in regulation. which  
237 may not require the use of technology requiring visual communication. Practice of chiropractic includes the treatment  
238 through manipulation/adjustment of the spine and other skeletal structures and the use of adjunctive procedures not  
239 otherwise prohibited by this chapter.

240 Section 7. Amend Chapter 11, Title 24 of the Delaware Code by making deletions as shown by strike through and  
241 insertions as shown by underline as follows:

242 Chapter 11. Dentistry and Dental Hygiene

243 Subchapter I. State Board of Dentistry and Dental Hygiene

244 § 1101 Definitions [Effective until Jan. 1, 2021].

245 The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them  
246 under this section, except where the context clearly indicates a different meaning:

247 (8) "Distant site" means a site at which a health care provider legally allowed to practice in the state or at  
248 which a health care provider licensed in another jurisdiction who would be permitted to provide services in Delaware if  
249 licensed under this title is located while providing health care services by means of telemedicine or telehealth.

250 (11) "Originating site" means a site in Delaware or outside of Delaware if the patient is a Delaware resident at  
251 which a patient is located at the time health care services are provided to him or her by means of telemedicine or  
252 telehealth, unless the term is otherwise defined with respect to the provision in which it is used; provided, however,  
253 notwithstanding any other provision of law, insurers and providers may agree to alternative siting arrangements  
254 deemed appropriate by the parties.

255 (13) "Practice of dentistry" is defined as the evaluation, diagnosis, prevention and/or treatment (nonsurgical,  
256 surgical or related procedures) of diseases, disorders and/or conditions of the oral cavity, maxillofacial area and/or the  
257 adjacent and associated structures and their impact on the human body provided by a dentist within the scope of the  
258 dentist's education, training and experience, in accordance with the ethics of the profession and applicable law. The  
259 practice includes the use of Telemedicine and may also include participation in Telehealth as further defined in  
260 regulation. which may not require the use of technology permitting visual communication. A person shall be construed  
261 to practice dentistry who by verbal claim, sign, advertisement, opening of an office, or in any other way, including use

262 of the words "dentist," "dental surgeon," the letters "D.D.S.," "D.M.D.," or other letters or titles, represents the  
263 person to be a dentist or who holds himself or herself out as able to perform, or who does perform, dental services or  
264 work. A person shall be regarded as practicing dentistry who is a manager, proprietor, operator or conductor of a place  
265 for performing dental operations or who for a fee, salary or other reward paid, or to be paid either to himself or herself  
266 or to another person, performs or advertises to perform dental operations of any kind.

267 (18) "Telehealth" means the use of information and communications technologies consisting of telephones,  
268 remote patient monitoring devices or other electronic means which support clinical health care, provider consultation,  
269 patient and professional health-related education, public health, health administration, and other services as described  
270 in regulation: which may not require the use of technology permitting visual communication.

271 (19) "Telemedicine" means a form of telehealth which is the delivery of clinical health care services by means  
272 of real time two-way audio, visual, or other telecommunications or electronic communications, including the  
273 application of secure video conferencing or store and forward transfer technology to provide or support healthcare  
274 delivery, which facilitate the assessment, diagnosis, consultation, treatment, education, care management and self-  
275 management of a patient's health care by a licensee practicing within his or her scope of practice as would be practiced  
276 in-person with a patient and with other restrictions as defined in regulation: which may not require the use of  
277 technology permitting visual communication.

278 §1101 Definitions [Effective Jan. 1, 2021].

279 The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them  
280 under this section, except where the context clearly indicates a different meaning:

281 (8) "Distant site" means a site at which a health care provider legally allowed to practice in the state or at  
282 which a health care provider licensed in another jurisdiction who would be permitted to provide services in Delaware if  
283 licensed under this title is located while providing health care services by means of telemedicine or telehealth.

284 (12) "Originating site" means a site in Delaware or outside of Delaware if the patient is a Delaware resident at  
285 which a patient is located at the time health care services are provided to him or her by means of telemedicine or  
286 telehealth, unless the term is otherwise defined with respect to the provision in which it is used; provided, however,  
287 notwithstanding any other provision of law, insurers and providers may agree to alternative siting arrangements  
288 deemed appropriate by the parties.

289 (15) "Practice of dentistry" is defined as the evaluation, diagnosis, prevention and/or treatment (nonsurgical,  
290 surgical or related procedures) of diseases, disorders and/or conditions of the oral cavity, maxillofacial area and/or the  
291 adjacent and associated structures and their impact on the human body provided by a dentist within the scope of the

292 dentist's education, training and experience, in accordance with the ethics of the profession and applicable law. The  
293 practice includes the use of Telemedicine and may also include participation in Telehealth as further defined in  
294 regulation: which may not require the use of technology permitting visual communication. A person shall be construed  
295 to practice dentistry who by verbal claim, sign, advertisement, opening of an office, or in any other way, including use  
296 of the words "dentist," "dental surgeon," the letters "D.D.S.," "D.M.D.," or other letters or titles, represents the  
297 person to be a dentist or who holds himself or herself out as able to perform, or who does perform, dental services or  
298 work. A person shall be regarded as practicing dentistry who is a manager, proprietor, operator or conductor of a place  
299 for performing dental operations or who for a fee, salary or other reward paid, or to be paid either to himself or herself  
300 or to another person, performs or advertises to perform dental operations of any kind.

301 (19) "Telehealth" means the use of information and communications technologies consisting of telephones,  
302 remote patient monitoring devices or other electronic means which support clinical health care, provider consultation,  
303 patient and professional health-related education, public health, health administration, and other services as described  
304 in regulation: which may not require the use of technology permitting visual communication.

305 (20) "Telemedicine" means a form of telehealth which is the delivery of clinical health care services by means  
306 of real time two-way audio, visual, or other telecommunications or electronic communications, including the  
307 application of secure video conferencing or store and forward transfer technology to provide or support healthcare  
308 delivery, which facilitate the assessment, diagnosis, consultation, treatment, education, care management and self-  
309 management of a patient's health care by a licensee practicing within his or her scope of practice as would be practiced  
310 in-person with a patient and with other restrictions as defined in regulation: which may not require the use of  
311 technology permitting visual communication.

312 Section 8. Chapter 19, Title 24 of the Delaware Code by making deletions as shown by strike through and  
313 insertions as shown by underline as follows:

314 Chapter 19. Nursing

315 § 1902 Definitions [Effective until January 1, 2021].

316 (i) "Distant site" means a site at which a health care provider legally allowed to practice in the state or at  
317 which a health care provider is licensed in another jurisdiction who would be permitted to provide services in  
318 Delaware if licensed under this title is located while providing health care services by means of telemedicine or  
319 telehealth.

320 (s) "Originating site" means a site in Delaware or outside of Delaware if the patient is a Delaware  
321 resident at which a patient is located at the time health care services are provided to him or her by means of

322 telemedicine or telehealth, unless the term is otherwise defined with respect to the provision in which it is used;  
323 provided, however, notwithstanding any other provision of law, insurers and providers may agree to alternative  
324 siting arrangements deemed appropriate by the parties.

325 (w) "Telehealth" means the use of information and communications technologies consisting of  
326 telephones, remote patient monitoring devices or other electronic means which support clinical health care,  
327 provider consultation, patient and professional health-related education, public health, health administration, and  
328 other services as described in regulation- which may not require the use of technology permitting visual  
329 communication.

330 (x) "Telemedicine" means the delivery of clinical health care services by means of real time two-way  
331 audio, visual, or other telecommunications or electronic communications, including the application of secure video  
332 conferencing or store and forward transfer technology to provide or support healthcare delivery, which facilitate  
333 the assessment, diagnosis, consultation, treatment, education, care management and self-management of a patient's  
334 health care by a licensee practicing within his or her scope of practice as would be practiced in-person with a  
335 patient and with other restrictions as defined in regulation- which may not require the use of technology permitting  
336 visual communication.

337 (y) "The practice of practical nursing" as a licensed practical nurse means the performance for  
338 compensation of nursing services by a person who holds a valid license pursuant to the terms of this chapter and  
339 who bears accountability for nursing practices which require basic knowledge of physical, social and nursing  
340 sciences. These services, at the direction of a registered nurse or a person licensed to practice medicine, surgery or  
341 dentistry, include:

342 (8) The use of Telemedicine, as defined in this Chapter, and practice of and participation in Telehealth as  
343 further defined in regulation- which may not require the use of technology permitting visual communication.

344 (z) "The practice of professional nursing" as a registered nurse means the performance of professional  
345 nursing services by a person who holds a valid license pursuant to the terms of this chapter, and who bears primary  
346 responsibility and accountability for nursing practices based on specialized knowledge, judgment and skill derived  
347 from the principles of biological, physical and behavioral sciences. The registered nurse practices in the profession  
348 of nursing by the performance of activities, among which are:

349 (8) The use of telemedicine, as defined in this Chapter, and participation in Telehealth, as further defined in  
350 regulation- which may not require the use of technology permitting visual communication.

351 § 1902 Definitions [Effective January 1, 2021].

352 (i) "Distant site" means a site at which a health care provider legally allowed to practice in the state or at  
353 which a health care provider is licensed in another jurisdiction who would be permitted to provide services in  
354 Delaware if licensed under this title is located while providing health care services by means of telemedicine or  
355 telehealth.

356 (t) "Originating site" means a site in Delaware or outside of Delaware if the patient is a Delaware resident  
357 at which a patient is located at the time health care services are provided to him or her by means of telemedicine or  
358 telehealth, unless the term is otherwise defined with respect to the provision in which it is used; provided,  
359 however, notwithstanding any other provision of law, insurers and providers may agree to alternative siting  
360 arrangements deemed appropriate by the parties.

361 (x) "Telehealth" means the use of information and communications technologies consisting of telephones,  
362 remote patient monitoring devices or other electronic means which support clinical health care, provider  
363 consultation, patient and professional health-related education, public health, health administration, and other  
364 services as described in regulation- which may not require the use of technology permitting visual communication.

365 (y) "Telemedicine" means the delivery of clinical health care services by means of real time two-way  
366 audio, visual, or other telecommunications or electronic communications, including the application of secure video  
367 conferencing or store and forward transfer technology to provide or support healthcare delivery, which facilitate  
368 the assessment, diagnosis, consultation, treatment, education, care management and self-management of a patient's  
369 health care by a licensee practicing within his or her scope of practice as would be practiced in-person with a  
370 patient and with other restrictions as defined in regulation- which may not require the use of technology permitting  
371 visual communication.

372 (z) "The practice of practical nursing" as a licensed practical nurse means the performance for  
373 compensation of nursing services by a person who holds a valid license pursuant to the terms of this chapter and  
374 who bears accountability for nursing practices which require basic knowledge of physical, social and nursing  
375 sciences. These services, at the direction of a registered nurse or a person licensed to practice medicine, surgery or  
376 dentistry, include:

377 (8) The use of Telemedicine, as defined in this Chapter, and practice of and participation in Telehealth as  
378 further defined in regulation- which may not require the use of technology permitting visual communication.

379 (aa) "The practice of professional nursing" as a registered nurse means the performance of professional  
380 nursing services by a person who holds a valid license pursuant to the terms of this chapter, and who bears primary  
381 responsibility and accountability for nursing practices based on specialized knowledge, judgment and skill derived

382 from the principles of biological, physical and behavioral sciences. The registered nurse practices in the profession  
383 of nursing by the performance of activities, among which are:

384 (8) The use of telemedicine, as defined in this Chapter, and participation in Telehealth, as further defined in  
385 regulation- which may not require the use of technology permitting visual communication.

386 §1933. Telemedicine

387 (a) Telemedicine shall not be utilized by an APRN with respect to any patient in the absence of an APRN-patient  
388 relationship-except during the pendency of the emergency resulting from COVID-19 which makes it impractical for a  
389 patient to consult with the APRN in-person prior to the delivery of telemedicine services.

390 (c) Treatment and consultation recommendations made in an online setting, or through audio only communication,  
391 including issuing a prescription via electronic means, will be held to the same standards of appropriate practice as those in  
392 traditional (encounter in person) settings.

393 Section 9. Amend Chapter 20, Title 24 of the Delaware Code by making deletions as shown by strike through and  
394 insertions as shown by underline as follows:

395 Chapter 20. Occupational Therapy.

396 Subchapter I. Board of Occupational Therapy Practice.

397 § 2002 Definitions.

398 As used in this chapter:

399 (3) “Distant site” means a site at which a health care provider legally allowed to practice in the state or at  
400 which a health care provider licensed in another jurisdiction who would be permitted to provide services in Delaware if  
401 licensed under this title is located while providing health care services by means of telemedicine or telehealth.

402 (9)a. “Occupational therapy services includes any of the following:

403 c. “Occupational therapy services” or “practice of occupational therapy” may be provided through the use of  
404 Telemedicine in a manner deemed appropriate by regulation and may include participation in Telehealth as further defined  
405 in regulation. Telemedicine or Telehealth regulations may not require the use of technology permitting visual  
406 communications.

407 (10) “Originating site” means a site in Delaware or outside of Delaware if the patient is a Delaware resident at  
408 which a patient is located at the time health care services are provided to him or her by means of telemedicine or  
409 telehealth, unless the term is otherwise defined with respect to the provision in which it is used; provided, however,  
410 notwithstanding any other provision of law, insurers and providers may agree to alternative siting arrangements  
411 deemed appropriate by the parties.

412 (16) "Telehealth" means the use of information and communications technologies consisting of telephones,  
413 remote patient monitoring devices or other electronic means which support clinical health care, provider consultation,  
414 patient and professional health-related education, public health, health administration, and other services as described  
415 in regulation- which may not require the use of technology permitting visual communication.

416 (17) "Telemedicine" means a form of telehealth which is the delivery of clinical health care services by means  
417 of real time two-way audio, visual, or other telecommunications or electronic communications, including the  
418 application of secure video conferencing or store and forward transfer technology to provide or support healthcare  
419 delivery, which facilitate the assessment, diagnosis, consultation, treatment, education, care management and self-  
420 management of a patient's health care by a licensee practicing within his or her scope of practice as would be practiced  
421 in-person with a patient and with other restrictions as defined in regulation-which may not require the use of  
422 technology permitting visual communication.

423 Section 10. Amend Chapter 21, Title 24 of the Delaware Code by making deletions as shown by strike through and  
424 insertions as shown by underline as follows:

425 Chapter 21. Optometry.

426 §2101 Definition of practice of optometry.

427 (e) The practice of optometry also includes services provided by Telemedicine and participation in Telehealth. For  
428 the purposes of this section, "Telehealth" is defined as the use of information and communications technologies consisting  
429 of telephones, remote patient monitoring devices or other electronic means which support clinical health care, provider  
430 consultation, patient and professional health-related education, public health, health administration, and other services as  
431 described in regulation- which may not require the use of technology permitting visual communication. "Telemedicine"  
432 means a form of Telehealth which is the delivery of clinical health care services by means of real time two-way audio,  
433 visual, or other telecommunications or electronic communications, including the application of secure video conferencing  
434 or store and forward transfer technology to provide or support healthcare delivery, which facilitate the assessment,  
435 diagnosis, consultation, treatment, education, care management and self-management of a patient's health care by a licensee  
436 practicing within his or her scope of practice as would be practiced in-person with a patient and with other restrictions as  
437 defined in regulation-which may not require the use of technology permitting visual communication. "Distant site" means a  
438 site at which a health care provider legally allowed to practice in the state or at which a health care provider licensed in  
439 another jurisdiction who would be permitted to provide services in Delaware if licensed under this title is located while  
440 providing health care services by means of telemedicine or telehealth. "Originating site" means a site in Delaware or  
441 outside of Delaware if the patient is a Delaware resident at which a patient is located at the time health care services are

442 provided to him or her by means of telemedicine or telehealth, unless the term is otherwise defined with respect to the  
443 provision in which it is used; provided, however, notwithstanding any other provision of law, insurers and providers may  
444 agree to alternative siting arrangements deemed appropriate by the parties. "Store and forward transfer" means the  
445 transmission of a patient's medical information either to or from an originating site or to or from the provider at the distant  
446 site, but does not require the patient being present nor must it be in real time.

447 Section 11. Amend Chapter 25, Title 24 of the Delaware Code by making deletions as shown by strike through and  
448 insertions as shown by underline as follows:

449 Chapter 25. Pharmacy

450 Subchapter I. Objectives; Definitions; Board of Pharmacy

451 § 2502 Definitions.

452 The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them  
453 under this section, except where the context clearly indicates a different meaning:

454 (6) "Distant site" means a site at which a health care provider legally allowed to practice in the state or at  
455 which a health care provider licensed in another jurisdiction who would be permitted to provide services in Delaware if  
456 licensed under this title is located while providing health care services by means of telemedicine or telehealth.

457 (17) "Originating site" means a site in Delaware or outside of Delaware if the patient is a Delaware resident at  
458 which a patient is located at the time health care services are provided to him or her by means of telemedicine or  
459 telehealth, unless the term is otherwise defined with respect to the provision in which it is used; provided, however,  
460 notwithstanding any other provision of law, insurers and providers may agree to alternative siting arrangements  
461 deemed appropriate by the parties.

462 (23) "Practice of pharmacy" means the interpreting, evaluating, and dispensing of a practitioner's or  
463 prescriber's order. The practice of pharmacy includes, but is not limited to, the proper compounding, labeling,  
464 packaging, and dispensing of a drug to a patient or the patient's agent, and administering a drug to a patient. The  
465 practice of pharmacy includes the application of the pharmacist's knowledge of pharmaceuticals, pharmacology,  
466 pharmacokinetics, drug and food interactions, drug product selection, and patient counseling. It also includes:

467 g. The use of Telemedicine and participation in Telehealth in a manner deemed appropriate by regulation;  
468 which may not require the use of technology permitting visual communication; and

469 (33) "Telehealth" means the use of information and communications technologies consisting of telephones,  
470 remote patient monitoring devices or other electronic means which support clinical health care, provider consultation,



471 patient and professional health-related education, public health, health administration, and other services as described  
472 in regulation—which may not require the use of technology permitting visual communication.

473 (34) “Telemedicine” means a form of telehealth which is the delivery of clinical health care services by means  
474 of real time two-way audio, visual, or other telecommunications or electronic communications, including the  
475 application of secure video conferencing or store and forward transfer technology to provide or support healthcare  
476 delivery, which facilitate the assessment, diagnosis, consultation, treatment, education, care management and self-  
477 management of a patient’s health care by a licensee practicing within his or her scope of practice as would be practiced  
478 in-person with a patient and with other restrictions as defined in regulation—which may not require the use of  
479 technology permitting visual communication.

480 Section 12. Amend Chapter 30, Title 24 of the Delaware Code by making deletions as shown by strike through and  
481 insertions as shown by underline as follows:

482 Chapter 30. Mental Health and Chemical Dependency Professionals.

483 Subchapter I. Board of Mental Health and Chemical Dependency Professionals.

484 § 3002 Definitions.

485 The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them  
486 under this section, except where the context clearly indicates a different meaning:

487 (3) “Distant site” means a site at which a health care provider legally allowed to practice in the state or at  
488 which a health care provider licensed in another jurisdiction who would be permitted to provide services in Delaware if  
489 licensed under this title is located while providing health care services by means of telemedicine or telehealth.

490 (6) “Originating site” means a site in Delaware or outside of Delaware if the patient is a Delaware resident at  
491 which a patient is located at the time health care services are provided to him or her by means of telemedicine or  
492 telehealth, unless the term is otherwise defined with respect to the provision in which it is used; provided, however,  
493 notwithstanding any other provision of law, insurers and providers may agree to alternative siting arrangements  
494 deemed appropriate by the parties.

495 (10) “Telehealth” means the use of information and communications technologies consisting of telephones,  
496 remote patient monitoring devices or other electronic means which support clinical health care, provider consultation,  
497 patient and professional health-related education, public health, health administration, and other services as described  
498 in regulation- which may not require the use of technology permitting visual communication.

499 (11) “Telemedicine” means a form of telehealth which is the delivery of clinical health care services by means  
500 of real time two-way audio, visual, or other telecommunications or electronic communications, including the

501 application of secure video conferencing or store and forward transfer technology to provide or support healthcare  
502 delivery, which facilitate the assessment, diagnosis, consultation, treatment, education, care management and self-  
503 management of a patient's health care by a licensee practicing within his or her scope of practice as would be practiced  
504 in-person with a patient and with other restrictions as defined in regulation—which may not require the use of  
505 technology permitting visual communication.

506 Subchapter III. Chemical Dependency Professionals

507 §3041 Definitions.

508 As used in this subchapter:

509 (1) "Chemical dependency professional" is a person who uses addiction counseling methods to assist an  
510 individual or group to develop an understanding of alcohol and drug dependency problems, define goals, and plan  
511 action reflecting the individual's or group's interest, abilities and needs as affected by addiction problems. Such  
512 services may be provided through the use of Telemedicine in a manner deemed appropriate by regulation. Services also  
513 may include participation in Telehealth as further defined in regulation. Telemedicine and Telehealth regulations may  
514 not require the use of technology permitting visual communication.

515 Section 13. Amend Chapter 35, Title 24 of the Delaware Code by making deletions as shown by strike through and  
516 insertions as shown by underline as follows:

517 Chapter 35. Psychology

518 Subchapter I. Board of Examiners of Psychologists

519 § 3502 Definitions.

520 The following words, terms and phrases, when used in this chapter shall have the meanings ascribed to them under  
521 this section, except where the context clearly indicates a different meaning:

522 (3) "Distant site" means a site at which a health care provider legally allowed to practice in the state or at  
523 which a health care provider licensed in another jurisdiction who would be permitted to provide services in Delaware if  
524 licensed under this title is located while providing health care services by means of telemedicine or telehealth.

525 (5) "Originating site" means a site in Delaware or outside of Delaware if the patient is a Delaware resident at  
526 which a patient is located at the time health care services are provided to him or her by means of telemedicine or  
527 telehealth, unless the term is otherwise defined with respect to the provision in which it is used; provided, however,  
528 notwithstanding any other provision of law, insurers and providers may agree to alternative siting arrangements  
529 deemed appropriate by the parties.

530 (7) "Practice of psychology" shall mean the observation, description, evaluation, interpretation and/or  
531 modification of human behavior by the application of psychological principles, methods, and/or procedures, for the  
532 purpose of preventing or eliminating symptomatic, maladaptive or undesired behavior, and of enhancing interpersonal  
533 relationships, work and life adjustment, personal effectiveness, behavioral health and mental health.

534 The practice of psychology includes, but is not limited to, psychological testing and the evaluation or  
535 assessment of personal characteristics, such as intelligence, personality, abilities, interests, aptitudes and  
536 neuropsychological function; counseling, psychoanalysis, psychotherapy, hypnosis, biofeedback, and behavior analysis  
537 and therapy; diagnosis and treatment of mental and emotional disorder or disability, alcoholism and substance abuse,  
538 disorders of habit or conduct, as well as the psychological aspects of physical illness, accident, injury or disability; and  
539 psychoeducational evaluation, therapy, remediation, and consultation. Psychological services may be rendered to  
540 individuals, families, groups, organizations, institutions and the public. The practice of psychology shall be construed  
541 within the meaning of this definition without regard to whether or not payment is received for services rendered.

542 The practice of psychology may be provided through the use of Telemedicine in a manner deemed appropriate  
543 by Regulation. Services also may include participation in Telehealth as further defined in regulation. Telemedicine and  
544 Telehealth regulations may not require the use of technology permitting visual communication.

545 (14) "Telehealth" means the use of information and communications technologies consisting of telephones,  
546 remote patient monitoring devices or other electronic means which support clinical health care, provider consultation,  
547 patient and professional health-related education, public health, health administration, and other services as described  
548 in regulation. which may not require the use of technology permitting visual communication.

549 (15) "Telemedicine" means a form of telehealth which is the delivery of clinical health care services by means  
550 of real time two-way audio, visual, or other telecommunications or electronic communications, including the  
551 application of secure video conferencing or store and forward transfer technology to provide or support healthcare  
552 delivery, which facilitate the assessment, diagnosis, consultation, treatment, education, care management and self-  
553 management of a patient's health care by a licensee practicing within his or her scope of practice as would be practiced  
554 in-person with a patient and with other restrictions as defined in regulation. which may not require the use of  
555 technology permitting visual communication.

556 Section 14. Amend Chapter 38, Title 24 of the Delaware Code by making deletions as shown by strike through and  
557 insertions as shown by underline as follows:

558 Chapter 38. Dietitian/Nutritionist Licensure Act

559 § 3802 Definitions.

560 The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in  
561 this chapter, except where the context clearly indicates a different meaning:

562 (2) "Dietetic and nutrition therapy" shall mean the scope of services utilized in the delivery of preventive  
563 nutrition services and/or nutrition therapy. It involves an assessment of the individual's specific nutritional needs and  
564 the development and implementation of an intervention plan. The intervention plan can include nutrition education,  
565 counseling, administration and monitoring of specialized nutrition support and/or referrals for additional services. This  
566 application and practice of "dietetic and nutrition therapy" shall include the following Scope of Practice:

567 Scope of Practice:

568 (i) The use of Telemedicine in a manner deemed appropriate by regulation. This also may include  
569 participation in Telehealth as further defined in regulation. Telemedicine and Telehealth regulations may not  
570 require the use of technology permitting visual communication.

571 (5) "Distant site" means a site at which a health care provider legally allowed to practice in the state or at  
572 which a health care provider licensed in another jurisdiction who would be permitted to provide services in Delaware if  
573 licensed under this title is located while providing health care services by means of telemedicine or telehealth.

574 (9) "Originating site" means a site in Delaware or outside of Delaware if the patient is a Delaware resident at  
575 which a patient is located at the time health care services are provided to him or her by means of telemedicine or  
576 telehealth, unless the term is otherwise defined with respect to the provision in which it is used; provided, however,  
577 notwithstanding any other provision of law, insurers and providers may agree to alternative siting arrangements  
578 deemed appropriate by the parties.

579 (12) "Telehealth" means the use of information and communications technologies consisting of telephones,  
580 remote patient monitoring devices or other electronic means which support clinical health care, provider consultation,  
581 patient and professional health-related education, public health, health administration, and other services as described  
582 in regulation; which may not require the use of technology permitting visual communication.

583 (13) "Telemedicine" means a form of telehealth which is the delivery of clinical health care services by means  
584 of real time two-way audio, visual, or other telecommunications or electronic communications, including the  
585 application of secure video conferencing or store and forward transfer technology to provide or support healthcare  
586 delivery, which facilitate the assessment, diagnosis, consultation, treatment, education, care management and self-  
587 management of a patient's health care by a licensee practicing within his or her scope of practice as would be practiced  
588 in-person with a patient and with other restrictions as defined in regulation; which may not require the use of  
589 technology permitting visual communication.

590 Section 15. Amend Chapter 39, Title 24 of the Delaware Code by making deletions as shown by strike through and  
591 insertions as shown by underline as follows:

592 Chapter 39. Board of Social Work Examiners

593 § 3902 Definitions.

594 As used in this chapter:

595 (13) “Distant site” means a site at which a health care provider legally allowed to practice in the state or at  
596 which a health care provider licensed in another jurisdiction who would be permitted to provide services in Delaware if  
597 licensed under this title is located while providing health care services by means of telemedicine or telehealth.

598 (23) “Originating site” means a site in Delaware or outside of Delaware if the patient is a Delaware resident at  
599 which a patient is located at the time health care services are provided to him or her by means of telemedicine or  
600 telehealth, unless the term is otherwise defined with respect to the provision in which it is used; provided, however,  
601 notwithstanding any other provision of law, insurers and providers may agree to alternative siting arrangements  
602 deemed appropriate by the parties.

603 (30) “Telehealth” means the use of information and communications technologies consisting of telephones,  
604 remote patient monitoring devices or other electronic means which support clinical health care, provider consultation,  
605 patient and professional health-related education, public health, health administration, and other services as described  
606 in regulation: which may not require the use of technology permitting visual communication.

607 (31) “Telemedicine” means a form of telehealth which is the delivery of clinical health care services by means  
608 of real time two-way audio, visual, or other telecommunications or electronic communications, including the  
609 application of secure video conferencing or store and forward transfer technology to provide or support healthcare  
610 delivery, which facilitate the assessment, diagnosis, consultation, treatment, education, care management and self-  
611 management of a patient’s health care by a licensee practicing within his or her scope of practice as would be practiced  
612 in-person with a patient and with other restrictions as defined in regulation: which may not require the use of  
613 technology permitting visual communication.

614 § 3920 Telehealth and Telemedicine.

615 (a) Licensed clinical social work may be provided through the use of telemedicine as permitted by regulation, and  
616 may include participation in telehealth as further defined by this chapter and by regulation. No telemedicine or telehealth  
617 regulations may require the use of technology permitting visual communication.

618 Section 16. This act expires on July 1, 2021.

## SYNOPSIS

This Act continues certain provisions in the Declaration of a State of Emergency for the State of Delaware dated March 12, 2020 due to a Public Health Threat as a result of the COVID-19 pandemic as modified related to telemedicine. The Second Modification of the State of Emergency suspended all Title 24 statutory requirements that patients present in-person before telemedicine services may be provided and the requirement that a patient must be in Delaware at the time the telemedicine services are provided; this Act continues the suspension of those requirements, but specifies that the requirement that a patient present in-person prior to the delivery of telemedicine services is excused only during the pendency of emergency conditions which make in-person presentation impractical. The Tenth Modification of the State of Emergency suspended any requirement in regulation that required both audio and visual technology; this Act prohibits any regulation pertaining to telemedicine requiring visual communication so as to permit telemedicine services via non-smart phones or land line connections.

Professions not covered by this Act include those professionals who require direct supervision by the nature of the work such as licensed associate counselors of mental health. Such professionals may engage in telemedicine and telehealth as provided by existing law.

This Act requires that telemedicine services permitted under this Act receive the same insurance coverage as under existing law.