



SPONSOR: Rep. Bentz & Sen. Townsend
Rep. Seigfried; Sen. Lopez

HOUSE OF REPRESENTATIVES
150th GENERAL ASSEMBLY

HOUSE SUBSTITUTE NO. 1
FOR
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, among other things, suspended all Title 24
6 statutory requirements that patients present in-person before telemedicine services may be provided so long as the
7 patient is a 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 regarding the use of telemedicine.

11 (3) On March 24, 2020 a Joint Order of the Department of Health and Social Services and the Delaware
12 Emergency Management Agency was issued which authorized in Paragraph 1: "Out of state health care providers,
13 including physicians, pharmacists, respiratory therapists, physician assistants, paramedics, emergency medical
14 technicians, practical nurses, advanced practice registered nurses, and nursing assistants with an active license or
15 certification in good standing in any United States jurisdiction" to provide healthcare services in Delaware." In
16 Paragraph 2, the Joint Order authorized "[a]ll out of state mental health providers with an active license in good
17 standing in any United States jurisdiction, including psychologists, mental health counselors, clinical social workers,
18 chemical dependency counselors and marriage and family therapists" to provide in-person and telemedicine health
19 services in Delaware.

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

24 (5) On April 6, 2020 Governor John C. Carney issued the Tenth Modification of the March 12, 2020
25 Declaration of a State of Emergency due to a Public Health Threat which stated: “6. INSURANCE: Pursuant to the
26 authority provided in 20 Del. C. §3116(a)(2), requirements for the provision of telemedicine and telehealth under Title
27 24 of the Delaware Code that require both audio and visual technology are suspended, which will allow the use of non-
28 smart phone or landline connections.”

29 (6) The interest of Delawareans will be served by ensuring the provisions addressed in the Declaration of the
30 State of Emergency, as modified, pertaining to telemedicine and the Joint Order of the Department of Health and
31 Social Services and the Delaware Emergency Management Agency pertaining to authorization of health care providers
32 from other United States jurisdictions to practice in Delaware (subject to Division of Professional Regulations
33 registration requirements) are maintained into the foreseeable future to facilitate the delivery of health care services
34 during and in the aftermath of the serious public health threat occasioned by COVID-19.

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

37 Chapter 33. Health Insurance Contracts

38 § 3370. Telemedicine.

39 (a) As used in this section:

40 (1) “Distant site” means a site at which a health care provider legally allowed to practice in the state or at
41 which a health care provider licensed in another jurisdiction who would be permitted to provide services in Delaware if
42 licensed under this title is located while providing health care services by means of telemedicine or telehealth. The
43 Division of Professional Regulation shall require any out-of-state health care provider practicing in the State of
44 Delaware to complete a Medical Request Form as well as comply with any other registration requirements the Division
45 of Professional Regulation may establish.

46 (2) “Originating site” means a site in Delaware or outside of Delaware if the patient is a Delaware resident at
47 which a patient is located at the time health care services are provided to him or her by means of telemedicine or
48 telehealth, unless the term is otherwise defined with respect to the provision in which it is used; provided, however,

49 notwithstanding any other provision of law, insurers and providers may agree to alternative siting arrangements
50 deemed appropriate by the parties.

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

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

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

64 Chapter 35. Group and Blanket Health Insurance.

65 § 3571R. Telemedicine.

66 (a) As used in this section:

67 (1) “Distant site” means a site at which a health care provider legally allowed to practice in the state or at
68 which a health care provider licensed in another jurisdiction who would be permitted to provide services in Delaware if
69 licensed under this title is located while providing health care services by means of telemedicine or telehealth. The
70 Division of Professional Regulation shall require any out-of-state health care provider practicing in the State of
71 Delaware to complete a Medical Request Form as well as comply with any other registration requirements the Division
72 of Professional Regulation may establish.

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

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

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

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

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

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

101 Chapter 17. Medical Practice Act

102 Subchapter I. General Provisions.

103 §1702 Definitions [Effective until Jan. 1, 2021].

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

105 (4) "Distant site" means a site at which a health care provider legally allowed to practice in the state or at
106 which a health care provider licensed in another jurisdiction who would be permitted to provide services in Delaware if
107 licensed under this title is located while providing health care services by means of telemedicine. The Division of

108 Professional Regulation shall require any out-of-state health care provider practicing in the State of Delaware to
109 complete a Medical Request Form as well as comply with any other registration requirements the Division of
110 Professional Regulation may establish.

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

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

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

127 §1702 Definitions [Effective Jan. 1, 2021].

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

129 (4) “Distant site” means a site at which a health care provider legally allowed to practice in the state or at
130 which a health care provider licensed in another jurisdiction who would be permitted to provide services in Delaware if
131 licensed under this title is located while providing health care services by means of telemedicine. The Division of
132 Professional Regulation shall require any out-of-state health care provider practicing in the State of Delaware to
133 complete a Medical Request Form as well as comply with any other registration requirements the Division of
134 Professional Regulation may establish.

135 (11) “Originating site” means a site in Delaware or outside of Delaware if the patient is a Delaware resident at
136 which a patient is located at the time health care services are provided to him or her by means of telemedicine, unless
137 the term is otherwise defined with respect to the provision in which it is used; provided, however, notwithstanding any

138 other provision of law, insurers and providers may agree to alternative siting arrangements deemed appropriate by the
139 parties.

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

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

151 § 1769D. Telemedicine and Telehealth.

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

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

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

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

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

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

165 (4) Circumstances which make it impractical for a patient to consult with a physician in-person prior to the
166 delivery of telemedicine services.

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

169 Chapter 5. Podiatry

170 Subchapter I. Board of Podiatry.

171 § 502 Definitions [Effective until Jan. 1, 2021]

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

174 (3) "Distant site" means a site at which a health care provider legally allowed to practice in the state or at
175 which a health care provider licensed in another jurisdiction who would be permitted to provide services in Delaware if
176 licensed under this title is located while providing health care services by means of telemedicine or telehealth. The
177 Division of Professional Regulation shall require any out-of-state health care provider practicing in the State of
178 Delaware to complete a Medical Request Form as well as comply with any other registration requirements the Division
179 of Professional Regulation may establish.

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

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

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

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

204 § 502 Definitions [Effective Jan. 1, 2021]

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

207 (3) "Distant site" means a site at which a health care provider legally allowed to practice in the state or at
208 which a health care provider licensed in another jurisdiction who would be permitted to provide services in Delaware if
209 licensed under this title is located while providing health care services by means of telemedicine or telehealth. The
210 Division of Professional Regulation shall require any out-of-state health care provider practicing in the State of
211 Delaware to complete a Medical Request Form as well as comply with any other registration requirements the Division
212 of Professional Regulation may establish.

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

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

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

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

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

239 Chapter 7. Board of Chiropractic.

240 § 701 Chiropractic defined; limitation of chiropractic license.

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

243 (2) "Distant site" means a site at which a health care provider legally allowed to practice in the state or at
244 which a health care provider licensed in another jurisdiction who would be permitted to provide services in Delaware if
245 licensed under this title is located while providing health care services by means of telemedicine or telehealth. The
246 Division of Professional Regulation shall require any out-of-state health care provider practicing in the State of
247 Delaware to complete a Medical Request Form as well as comply with any other registration requirements the Division
248 of Professional Regulation may establish.

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

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

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

258 (6) “Telemedicine” means a form of telehealth which the delivery of clinical health care services by means of
259 real time two-way audio, visual, or other telecommunications or electronic communications, including the application
260 of secure video conferencing or store and forward transfer technology to provide or support healthcare delivery, which
261 facilitate the assessment, diagnosis, consultation, treatment, education, care management and self-management of a
262 patient’s health care by a licensee practicing within his or her scope of practice as would be practiced in-person with a
263 patient and with other restrictions as defined in ~~regulation~~.which may not require the use of technology requiring
264 visual communication.

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

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

273 Chapter 11. Dentistry and Dental Hygiene

274 Subchapter I. State Board of Dentistry and Dental Hygiene

275 § 1101 Definitions [Effective until Jan. 1, 2021].

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

278 (8) “Distant site” means a site at which a health care provider legally allowed to practice in the state or at
279 which a health care provider licensed in another jurisdiction who would be permitted to provide services in Delaware if
280 licensed under this title is located while providing health care services by means of telemedicine or telehealth. The
281 Division of Professional Regulation shall require any out-of-state health care provider practicing in the State of
282 Delaware to complete a Medical Request Form as well as comply with any other registration requirements the Division
283 of Professional Regulation may establish.

284 (11) “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 (13) "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 (18) "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 (19) "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 §1101 Definitions [Effective Jan. 1, 2021].

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

315 (8) "Distant site" means a site at which a health care provider legally allowed to practice in the state or at
316 which a health care provider licensed in another jurisdiction who would be permitted to provide services in Delaware if
317 licensed under this title is located while providing health care services by means of telemedicine or telehealth. The
318 Division of Professional Regulation shall require any out-of-state health care provider practicing in the State of
319 Delaware to complete a Medical Request Form as well as comply with any other registration requirements the Division
320 of Professional Regulation may establish.

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

326 (15) "Practice of dentistry" is defined as the evaluation, diagnosis, prevention and/or treatment (nonsurgical,
327 surgical or related procedures) of diseases, disorders and/or conditions of the oral cavity, maxillofacial area and/or the
328 adjacent and associated structures and their impact on the human body provided by a dentist within the scope of the
329 dentist's education, training and experience, in accordance with the ethics of the profession and applicable law. The
330 practice includes the use of Telemedicine and may also include participation in Telehealth as further defined in
331 regulation- which may not require the use of technology permitting visual communication. A person shall be construed
332 to practice dentistry who by verbal claim, sign, advertisement, opening of an office, or in any other way, including use
333 of the words "dentist," "dental surgeon," the letters "D.D.S.," "D.M.D.," or other letters or titles, represents the
334 person to be a dentist or who holds himself or herself out as able to perform, or who does perform, dental services or
335 work. A person shall be regarded as practicing dentistry who is a manager, proprietor, operator or conductor of a place
336 for performing dental operations or who for a fee, salary or other reward paid, or to be paid either to himself or herself
337 or to another person, performs or advertises to perform dental operations of any kind.

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

342 (20) "Telemedicine" means a form of telehealth which is the delivery of clinical health care services by means
343 of real time two-way audio, visual, or other telecommunications or electronic communications, including the
344 application of secure video conferencing or store and forward transfer technology to provide or support healthcare

345 delivery, which facilitate the assessment, diagnosis, consultation, treatment, education, care management and self-
346 management of a patient's health care by a licensee practicing within his or her scope of practice as would be practiced
347 in-person with a patient and with other restrictions as defined in regulation- which may not require the use of
348 technology permitting visual communication.

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

351 Chapter 19. Nursing

352 § 1902 Definitions [Effective until January 1, 2021].

353 (i) "Distant site" means a site at which a health care provider legally allowed to practice in the state or at which a
354 health care provider is licensed in another jurisdiction who would be permitted to provide services in Delaware if licensed
355 under this title is located while providing health care services by means of telemedicine or telehealth. The Division of
356 Professional Regulation shall require any out-of-state health care provider practicing in the State of Delaware to complete a
357 Medical Request Form as well as comply with any other registration requirements the Division of Professional Regulation
358 may establish.

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

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

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

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

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

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

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

387 § 1902 Definitions [Effective January 1, 2021].

388 (i) "Distant site" means a site at which a health care provider legally allowed to practice in the state or at which a
389 health care provider is licensed in another jurisdiction who would be permitted to provide services in Delaware if licensed
390 under this title is located while providing health care services by means of telemedicine or telehealth. The Division of
391 Professional Regulation shall require any out-of-state health care provider practicing in the State of Delaware to complete a
392 Medical Request Form as well as comply with any other registration requirements the Division of Professional Regulation
393 may establish.

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

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

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

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

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

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

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

422 §1933. Telemedicine

423 (a) Telemedicine shall not be utilized by an APRN with respect to any patient in the absence of an APRN-patient
424 relationship-except under circumstances which make it impractical for a patient to consult with the APRN in-person prior
425 to the delivery of telemedicine services.

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

429 (g) Prescriptions made through telemedicine, including for opioids, and under an APRN-patient relationship may
430 include controlled substances, subject to limitations as set by the Board.

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

433 Chapter 20. Occupational Therapy.

434 Subchapter I. Board of Occupational Therapy Practice.

435 § 2002 Definitions.

436 As used in this chapter:

437 (3) “Distant site” means a site at which a health care provider legally allowed to practice in the state or at
438 which a health care provider licensed in another jurisdiction who would be permitted to provide services in Delaware if
439 licensed under this title is located while providing health care services by means of telemedicine or telehealth. The
440 Division of Professional Regulation shall require any out-of-state health care provider practicing in the State of
441 Delaware to complete a Medical Request Form as well as comply with any other registration requirements the Division
442 of Professional Regulation may establish.

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

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

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

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

457 (17) “Telemedicine” means a form of telehealth which is the delivery of clinical health care services by means
458 of real time two-way audio, visual, or other telecommunications or electronic communications, including the
459 application of secure video conferencing or store and forward transfer technology to provide or support healthcare
460 delivery, which facilitate the assessment, diagnosis, consultation, treatment, education, care management and self-
461 management of a patient’s health care by a licensee practicing within his or her scope of practice as would be practiced

462 in-person with a patient and with other restrictions as defined in regulation—which may not require the use of
463 technology permitting visual communication.

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

466 Chapter 21. Optometry.

467 §2101 Definition of practice of optometry.

468 (e) The practice of optometry also includes services provided by Telemedicine and participation in Telehealth. For
469 the purposes of this section, “Telehealth” is defined as the use of information and communications technologies consisting
470 of telephones, remote patient monitoring devices or other electronic means which support clinical health care, provider
471 consultation, patient and professional health-related education, public health, health administration, and other services as
472 described in regulation- which may not require the use of technology permitting visual communication. “Telemedicine”
473 means a form of Telehealth which is the delivery of clinical health care services by means of real time two-way audio,
474 visual, or other telecommunications or electronic communications, including the application of secure video conferencing
475 or store and forward transfer technology to provide or support healthcare delivery, which facilitate the assessment,
476 diagnosis, consultation, treatment, education, care management and self-management of a patient’s health care by a licensee
477 practicing within his or her scope of practice as would be practiced in-person with a patient and with other restrictions as
478 defined in regulation-which may not require the use of technology permitting visual communication. “Distant site” means a
479 site at which a health care provider legally allowed to practice in the state or at which a health care provider licensed in
480 another jurisdiction who would be permitted to provide services in Delaware if licensed under this title is located while
481 providing health care services by means of telemedicine or telehealth. The Division of Professional Regulation shall require
482 any out-of-state health care provider practicing in the State of Delaware to complete a Medical Request Form as well as
483 comply with any other registration requirements the Division of Professional Regulation may establish. “Originating site”
484 means a site in Delaware or outside of Delaware if the patient is a Delaware resident at which a patient is located at the time
485 health care services are provided to him or her by means of telemedicine or telehealth, unless the term is otherwise defined
486 with respect to the provision in which it is used; provided, however, notwithstanding any other provision of law, insurers
487 and providers may agree to alternative siting arrangements deemed appropriate by the parties. “Store and forward transfer”
488 means the transmission of a patient’s medical information either to or from an originating site or to or from the provider at
489 the distant site, but does not require the patient being present nor must it be in real time.

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

492 Chapter 25. Pharmacy

493 Subchapter I. Objectives; Definitions; Board of Pharmacy

494 § 2502 Definitions.

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

497 (6) "Distant site" means a site at which a health care provider legally allowed to practice in the state or at
498 which a health care provider licensed in another jurisdiction who would be permitted to provide services in Delaware if
499 licensed under this title is located while providing health care services by means of telemedicine or telehealth. The
500 Division of Professional Regulation shall require any out-of-state health care provider practicing in the State of
501 Delaware to complete a Medical Request Form as well as comply with any other registration requirements the Division
502 of Professional Regulation may establish.

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

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

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

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

519 (34) "Telemedicine" means a form of telehealth which is the delivery of clinical health care services by means
520 of real time two-way audio, visual, or other telecommunications or electronic communications, including the
521 application of secure video conferencing or store and forward transfer technology to provide or support healthcare

522 delivery, which facilitate the assessment, diagnosis, consultation, treatment, education, care management and self-
523 management of a patient's health care by a licensee practicing within his or her scope of practice as would be practiced
524 in-person with a patient and with other restrictions as defined in regulation, which may not require the use of
525 technology permitting visual communication.

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

528 Chapter 30. Mental Health and Chemical Dependency Professionals.

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

530 § 3002 Definitions.

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

533 (3) "Distant site" means a site at which a health care provider legally allowed to practice in the state or at
534 which a health care provider licensed in another jurisdiction who would be permitted to provide services in Delaware if
535 licensed under this title is located while providing health care services by means of telemedicine or telehealth. The
536 Division of Professional Regulation shall require any out-of-state health care provider practicing in the State of
537 Delaware to complete a Medical Request Form as well as comply with any other registration requirements the Division
538 of Professional Regulation may establish.

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

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

548 (11) "Telemedicine" means a form of telehealth which is the delivery of clinical health care services by means
549 of real time two-way audio, visual, or other telecommunications or electronic communications, including the
550 application of secure video conferencing or store and forward transfer technology to provide or support healthcare
551 delivery, which facilitate the assessment, diagnosis, consultation, treatment, education, care management and self-

552 management of a patient's health care by a licensee practicing within his or her scope of practice as would be practiced
553 in-person with a patient and with other restrictions as defined in regulation—which may not require the use of
554 technology permitting visual communication.

555 Subchapter III. Chemical Dependency Professionals

556 §3041 Definitions.

557 As used in this subchapter:

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

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

566 Chapter 35. Psychology

567 Subchapter I. Board of Examiners of Psychologists

568 § 3502 Definitions.

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

571 (3) "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. The
574 Division of Professional Regulation shall require any out-of-state health care provider practicing in the State of
575 Delaware to complete a Medical Request Form as well as comply with any other registration requirements the Division
576 of Professional Regulation may establish.

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

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

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

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

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

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

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

610 Chapter 38. Dietitian/Nutritionist Licensure Act

611 § 3802 Definitions.

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

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

619 Scope of Practice:

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

623 (5) "Distant site" means a site at which a health care provider legally allowed to practice in the state or at
624 which a health care provider licensed in another jurisdiction who would be permitted to provide services in Delaware if
625 licensed under this title is located while providing health care services by means of telemedicine or telehealth. The
626 Division of Professional Regulation shall require any out-of-state health care provider practicing in the State of
627 Delaware to complete a Medical Request Form as well as comply with any other registration requirements the Division
628 of Professional Regulation may establish.

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

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

638 (13) "Telemedicine" means a form of telehealth which is the delivery of clinical health care services by means
639 of real time two-way audio, visual, or other telecommunications or electronic communications, including the
640 application of secure video conferencing or store and forward transfer technology to provide or support healthcare
641 delivery, which facilitate the assessment, diagnosis, consultation, treatment, education, care management and self-

642 management of a patient's health care by a licensee practicing within his or her scope of practice as would be practiced
643 in-person with a patient and with other restrictions as defined in regulation- which may not require the use of
644 technology permitting visual communication.

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

647 Chapter 39. Board of Social Work Examiners

648 § 3902 Definitions.

649 As used in this chapter:

650 (13) "Distant site" means a site at which a health care provider legally allowed to practice in the state or at
651 which a health care provider licensed in another jurisdiction who would be permitted to provide services in Delaware if
652 licensed under this title is located while providing health care services by means of telemedicine or telehealth. The
653 Division of Professional Regulation shall require any out-of-state health care provider practicing in the State of
654 Delaware to complete a Medical Request Form as well as comply with any other registration requirements the Division
655 of Professional Regulation may establish.

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

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

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

672 § 3920 Telehealth and Telemedicine.

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

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

SYNOPSIS

House Substitute No. 1 for House Bill No. 348 differs from HB 348 in the following ways:

1. In Paragraph 2 of the Preamble, the exact language from Governor Carney's Second Modification of the March 12, 2020 Declaration of a State of Emergency pertaining to suspension of the Delaware Board of Medical Licensure and Discipline Regulation 19 is incorporated to support Section 4 of the bill which specifies that physicians may prescribe opioids via telemedicine.

2. A new Paragraph 3 has been added to the Preamble to reference a Joint Order of Health and Social Services and the Delaware Emergency Management Agency dated March 24, 2020 specifying categories of out-of-state health care practitioners who will be authorized to practice in Delaware during the state of emergency occasioned by COVID-19.

3. The Substitute adds a requirement that out-of-state practitioners must complete a Medical Request Form and comply with any other regulations established by the Division of Professional Regulation.

4. The Substitute eliminates language limiting the practice of telemedicine by both physicians and APRNs without a practitioner-patient relationship to the existence of COVID-19.

5. The Substitute specifies that prescribing controlled substances including opioids prescribed via telemedicine is subject to the same standards of practice and includes a paragraph under existing law pertaining to authorization for APRNs to prescribe controlled substances and adds the authority to prescribe opioids by electronic means.

6. The Synopsis has been changed to reflect that practitioners covered include respiratory therapists and physician assistants and the other changes in the Substitute bill.

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 under circumstances 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. It continues suspension of the Delaware Board of Medical Licensure and Discipline Regulation 19 limiting the scope of telemedicine, including with respect to prescribing opioids.

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. Practitioners covered by the Medical Practices Act, 24 Del. C. Chapter 17 including Respiratory Care Practitioners and Physician Assistants, are covered by the Act. Professions covered by Title 24 which do not currently have statutory telemedicine authorization are not covered.

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

The Act expires on July 1, 2021.