

*Delaware Public Health State of Emergency
Telehealth FAQs*

1. Who may provide telehealth in Delaware during the COVID-19 State of Emergency?

Any Delaware provider who was permitted to provide telehealth in Delaware before the State of Emergency, is still permitted to do so. (List of permitted professions is #2)

During the State of Emergency, any out of state provider with an active license in another jurisdiction who would be permitted to provide telehealth services if holding the same license in Delaware may provide telehealth services in Delaware. The service provided must fall within the scope of practice of the professional as defined by Delaware law (Title 24).

<https://governor.delaware.gov/wp-content/uploads/sites/24/2020/03/Second-Modification-to-the-State-of-Emergency.pdf>

2. Which Delaware professionals are permitted to provide telehealth services in Delaware?

Delaware law permits physicians, nurses, physician's assistants, respiratory therapists, dentists, psychologists, mental health counselors, licensed chemical dependency counselors, licensed marriage and family therapists, art therapists, dietitians/nutritionists, chiropractors, social workers, optometrists, occupational therapists, pharmacists, physical therapists, podiatrists, and genetic counselors to engage in telehealth.

3. Are professionals providing telehealth services required to see the patient in-person prior to providing the care during the State of Emergency?

All in-person requirements relating to telemedicine may be used have been temporarily suspended by the Governor's Second Modified Declaration of State of Emergency.

<https://governor.delaware.gov/wp-content/uploads/sites/24/2020/03/Second-Modification-to-the-State-of-Emergency.pdf>

4. When providing telehealth, is the patient required to be in Delaware at the time the care is provided?

No, *so long as* that patient is a Delaware resident. If the patient is neither a Delaware resident nor located in Delaware the provider must confirm telehealth is permitted in the jurisdiction where the patient is located.

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5. If I am providing care through telehealth during the State of Emergency, is videoconferencing required or is telephonic only permitted?

Telephonic only is permitted so long as doing so does not compromise the care being provided. Each provider must determine if telephonic only care can be provided competently.

The Board of Medical Licensure & Discipline's regulation 19, prohibiting the use of telephone only telehealth, has been suspended during the State of Emergency.

<https://governor.delaware.gov/wp-content/uploads/sites/24/2020/03/Second-Modification-to-the-State-of-Emergency.pdf>

6. May I prescribe controlled substances by telehealth during the State of Emergency?

If you are otherwise authorized to prescribe controlled substances, *i.e.* you have prescriptive authority, you hold an active DEA number, including an XDEA number, you may prescribe controlled substances through telehealth during the State of Emergency.

The Board of Medical Licensure & Discipline's Regulation 19, prohibiting the prescribing of controlled substances by telehealth is suspended during the State of Emergency.

<https://governor.delaware.gov/wp-content/uploads/sites/24/2020/03/Second-Modification-to-the-State-of-Emergency.pdf>

7. If I am not a Delaware licensee, do I need to obtain a temporary permit before providing telehealth services in Delaware during the State of Emergency?

No. During the State of Emergency, any out of state provider with an active license in good standing in another jurisdiction who would be permitted to provide telehealth services (list in number 2 above) if holding the same license in Delaware may provide telehealth services in Delaware. The service provided must fall within the scope of practice of the professional as defined by Delaware law (Title 24) and the provider must complete the Medical Personnel Request form and return it to the DPR.

<https://governor.delaware.gov/wp-content/uploads/sites/24/2020/03/Second-Modification-to-the-State-of-Emergency.pdf>

8. If I have an out-of-state license, what am I required to do before providing telehealth services in Delaware during the State of Emergency?

Both you and a representative from the employer, facility, or agency requesting your help must complete the Medical Personnel Request Form and return it to the Division of Professional Regulation.

9. What if I would like to provide care either in person or through telehealth at the request of a patient in Delaware during the State of Emergency, but I do not have a request from or position with an employer, agency, or facility?

You may still provide such care during the State of Emergency if you have a license in good standing in another jurisdiction. You must complete the Medical Personnel Request Form but leave the employer, agency, facility portion blank, and explain why your services are needed during the State of emergency without a request from an employer, agency, or facility.

Expired/Lapsed/Inactive Delaware Licensees

10. If I have an expired, lapsed, or inactive Delaware license, am I required to reinstate or reactivate my license prior to practicing during the State of Emergency?

No. If your Delaware license is expired, lapsed or inactive *and* your Delaware license was in good standing for the last five years it was active, you and a representative from the employer, facility, or agency you will be assisting must complete the Medical Personnel Request form and return it to the Division of Professional Regulation.

<https://governor.delaware.gov/wp-content/uploads/sites/24/2020/03/DEMA-and-DPH-Order-3.23.20.pdf>

11. If I have an expired, lapsed, or inactive Delaware license, what am I required to do before beginning to work?

If your Delaware license is expired, lapsed or inactive *and* your Delaware license was in good standing for the last five years it was active, you and a representative from the employer, facility, or agency you will be assisting must complete the Medical Personnel Request form and return it to the Division of Professional Regulation before you begin working during the State of Emergency.

Out of State Licensees

12. If I have an out-of-state license, do I need to obtain a temporary permit in order to provide care in Delaware during the State of Emergency in person or through telehealth?

No. During the State of Emergency, any out of state provider with an active license in good standing in another jurisdiction may practice in the state of Delaware. Any out of state provider who would be permitted to provide telehealth services (list in number 2 above) if holding the same license in Delaware may provide telehealth services in Delaware. The service provided must fall within the scope of practice of the professional as defined by Delaware law (Title 24) and the provider must complete the Medical Personnel Request form and return it to the DPR.

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13. If I have an out-of-state license, what am I required to do before beginning to work in Delaware either in person or through telehealth during the State of Emergency?

If your license in another state is currently in good standing, you and a representative from the employer, facility, or agency you will be assisting must complete the Medical Personnel Request form and return it to the Division of Professional Regulation before you begin working.

14. What if I would like to provide care either in person or through telehealth at the request of a patient in Delaware, but I do not have a request from or position with an employer, agency, or facility?

You may still provide such care during the State of Emergency if you have a license in good standing in another jurisdiction. You must complete the Medical Personnel Request Form but leave the employer, agency, facility portion blank, and explain why your services are needed during the State of emergency without a request from an employer, agency, or facility.

Practice in Delaware without a DE license

If my Delaware license is currently suspended or revoked, may I provide care during the state of emergency?

No.

Which professions may work *in Delaware* during the State of Emergency without an active Delaware license?

The following professions with an out of state license have been granted authority to practice in Delaware during the State of Emergency : physicians, pharmacists, respiratory therapists, physician assistants, paramedics, emergency medical technicians, practical nurses, professional nurses, advanced practice registered nurses, nursing assistants, psychologists, mental health counselors, clinical social workers, chemical dependency counselors, and marriage and family therapists.

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