



STATE OF DELAWARE
STATE COUNCIL FOR PERSONS WITH DISABILITIES

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The Honorable John Carney
Governor

John McNeal
SCPD Director

MEMORANDUM

DATE: November 30, 2020

TO: Ms. Leslie Ledogar, Regulatory Specialist
Department of Insurance

FROM: Terri Hancharick – Chairperson *TH*
State Council for Persons with Disabilities

RE: 24 DE Reg. 488 [DOI Final Regulation 1409 Insurance Coverage for
Telemedicine and Telehealth (November 1, 2020)]

The State Council for Persons with Disabilities (SCPD) has reviewed the Department of Insurance's (DOIs) final regulation which enumerates the requirements for insurance coverage for the delivery of healthcare services through telemedicine and telehealth. The final regulation was published as 24 DE Reg. 488 in the November 1, 2020 issue of the Register of Regulations. SCPD has the following observations.

DOI is updating Regulation 1409 to conform with the House Bill that was signed by Governor Carney on July 17, 2020. It should be noted that the law incorporates the requirements for telehealth contained in Governor Carney's Declaration of a State of Emergency and the joint order of the Department of Health and Social Services (DHSS) and the Delaware Emergency Management Agency.

Because the amendments to the regulation make them consistent with changes in the law without otherwise altering the substance of the regulation, neither public notice nor comment is required. These amendments to the regulation take effect on November 11, 2020; both the law and the amendments to the regulation expire on July 21, 2021.

Telehealth is the use of technologies such as telephones, remote patient monitoring devices, or other electronic means used to provide health care, consultation, health related education, public health, and health administration services not requiring technology allowing visual communication.

These amendments require insurers who issue individual or group policies providing hospital, medical, surgical, or major medical coverage; health service corporations who issue or provide individual or group accident and sickness subscription contracts; and managed care organization and health maintenance organizations that provide a health care plan for health care services to provide coverage for the cost of such health care services provided through telehealth. However, to be covered, the service must be a covered service and the health care provider providing the service is licensed under state law and is practicing within the scope of state law.

In addition, the aforementioned insurers, health service corporations, and managed care organizations or health maintenance organizations shall not restrict an insured from seeking medical care by telehealth solely because the service is provided through telehealth. These restrictions include, but are not limited to, preauthorization, medical necessity, homebound requirements, or requiring the use of technology permitting visual communication.

SCPD is supporting these amendments since they conform to the law and permit insureds to utilize telehealth.

Thank you for your consideration and please contact SCPD if you have any questions regarding our position or observations on the proposed regulation.

cc: The Honorable Trinidad Navarro
Ms. Laura Waterland, Esq.
Governor's Advisory Council for Exceptional Citizens
Developmental Disabilities Council

24reg488 – DOI 1409 insurance coverage for telemedicine and telehealth 11-30-20