

MARCH 2020

AUTHORS

BRUCE D. ARMON
JAMES D. TAYLOR, JR.
JESSICA M. JONES

Delaware Lifts Certain State Telehealth Restrictions

SUMMARY

On March 18, 2020, in response to the COVID-19 pandemic, Delaware Governor John Carney issued a second modification to his March 12, 2020 state of emergency declaration. The modification included a temporary lift on certain state telehealth restrictions. These changes will help Delaware providers and patients in need of medical services. Governor Carney's second declaration follows an action by the federal Centers for Medicare & Medicaid Services to [relax telehealth opportunities for Medicare beneficiaries](#) and the federal HHS Office for Civil Rights to [waive certain HIPAA requirements for telemedicine](#).

Pursuant to Delaware's modified declaration:

- Patients are no longer required to see a healthcare provider in-person before they can receive telehealth services. This means patients can receive treatment from a healthcare provider for the first time using telecommunication methods;
- Delaware residents are no longer required to be physically present in Delaware when telehealth services are provided. This means students and employees who reside in Delaware, but who—as a result of the COVID-19 pandemic—are currently located outside the state, can use telecommunication methods to receive treatment by healthcare professionals in Delaware; and
- Out-of-state healthcare providers who would be permitted to provide telehealth services under Delaware law if they were licensed in Delaware may provide telehealth services to Delaware residents if they hold an active license in another state.

In the wake of the COVID-19 crisis and resultant need for social isolation, telehealth services can be a great resource for providers, patients, school students and Delaware residents. Please feel free to contact the authors if you have questions about these modifications and how they can impact your access to telehealth services and the delivery of telehealth services.

This Alert was written by: Bruce D. Armon, Philadelphia office managing partner and chair of the Firm's Health Care Practice; James D. Taylor, Jr., Wilmington office managing partner and co-chair of the Firm's Higher Education Practice; and Jessica M. Jones, an associate in the Firm's Litigation Practice. Bruce can be reached at (215) 972-7985 or at Bruce.Armon@saul.com. James can be reached at (302) 421-6863 or at James.Taylor@saul.com. Jessica can be reached at (302) 421-6817 or at Jessica.Jones@saul.com. This Alert has been prepared for information purposes only.

Did you find this information useful? Please provide your feedback [here](#) and also let us know if there are other legal topics of interest to you.

The provision and receipt of the information in this publication (a) should not be considered legal advice, (b) does not create a lawyer-client relationship, and (c) should not be acted on without seeking professional counsel who have been informed of the specific facts. Under the rules of certain jurisdictions, this communication may constitute "Attorney Advertising."