



SPONSOR: Rep. Bentz & Sen. S. McBride
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HOUSE OF REPRESENTATIVES
151st GENERAL ASSEMBLY

HOUSE BILL NO. 415

AN ACT TO AMEND TITLE 24 OF THE DELAWARE CODE RELATING TO PRACTICE BY HEALTH CARE PROVIDERS FROM OTHER STATES.

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

Section 1. Amend Title 24 of the Delaware Code making insertions as shown by underline and deletions as shown by strikethrough as follows:

Chapter 61. Practice by Health Care Providers from Other States.

§ 6101 Definitions.

As used in this Chapter:

(1) “Credential” means a license, permit, certificate, or registration.

(2) “Division” means the Division of Professional Regulation.

(3) “Health care employer” means a hospital, health system, free standing birthing center, free standing emergency center, free standing surgical center, long-term care facility, or any entity whose employed, contracted, or affiliated health care provider staff delivers health care treatment and services to individuals in this state.

(4) “Health care provider” means any person who holds a valid, unexpired credential granted by another state, the District of Columbia, or territory of the United States that authorizes or qualifies the individual to perform acts that are substantially the same as acts that any of the following are authorized to perform:

a. A podiatrist licensed by the Board of Podiatry pursuant to Chapter 5 of this title.

b. A chiropractor licensed by the Board of Chiropractic pursuant to Chapter 7 of this title.

c. A dentist licensed by the State Board of Dentistry and Dental Hygiene pursuant to Chapter 11 of this title.

d. A physician, physician assistant, respiratory care practitioner, genetic counselor, polysomnographer, certified professional midwife (CPM) or certified midwife (CM), or individual licensed in the practice of acupuncture or the practice of eastern medicine by the Board of Medical Practice pursuant to Chapter 17 of this title.

e. A registered nurse, licensed practical nurse, nurse midwife, or advanced practice nurse licensed by the

Delaware Board of Nursing pursuant to Chapter 19 of this title.

f. An occupational therapist or occupational therapy assistant licensed by the Board of Occupational Therapy Practice pursuant to Chapter 20 of this title.

g. An optometrist licensed by the Board of Examiners in Optometry pursuant to Chapter 21 of this title.

h. A pharmacist licensed by the Board of Pharmacy pursuant to Chapter 25 of this title.

i. A physical therapist, physical therapist assistant, or athletic trainer licensed by the Examining Board of Physical Therapists and Athletic Trainers pursuant to Chapter 26 of this Title.

j. A licensed associate counselor of mental health (LACMH), licensed professional counselor of mental health (LPCMH), licensed chemical dependency counselor, licensed associate marriage and family therapist (LAMFT), licensed marriage and family therapist (LMFT), licensed associate art therapist (LAAT), or licensed professional art therapist (LPAT) licensed by the Board of Mental Health and Chemical Dependency Professionals pursuant to Chapter 30 of this title.

k. A psychologist licensed by the Board of Examiners of Psychologists pursuant to Chapter 35 of this title.

l. An audiologist, speech/language pathologist, or hearing aid dispenser licensed by the Board of Speech/Language Pathologists, Audiologists, and Hearing Aid Dispensers pursuant to Chapter 37 of this title.

m. A dietician licensed by the State Board of Dietetics/Nutrition pursuant to Chapter 38 of this title.

n. A licensed clinical social worker licensed by the Board of Social Work Examiners pursuant to Chapter 39 of this title.

o. A massage and bodywork therapist or massage technician licensed by the Board of Massage and Bodywork pursuant to Chapter 53 of this title.

§ 6102. Temporary Authorization to Practice Pending Licensure.

(a) A health care provider may provide services within the scope of the credential the health care provider holds in another state or territory, and the Division shall grant the health care provider a temporary license to practice under this section from the applicable Delaware licensing board if all the following apply:

(1) The health care provider applies to the Division for a temporary credential under this section within 30 days of beginning to provide health care services for a health care employer. The health care provider shall include in the application an attestation of all the following:

a. The date on which the health care provider first provided health care services in this state under this section.

53 b. That the health care provider holds a valid, unexpired credential granted in another state.

54 c. That the health care provider is not currently under investigation and no restrictions or limitations are
55 currently placed on the health care provider's credential by the credentialing state or any other jurisdiction.

56 d. That the healthcare provider has applied for a Delaware license to practice in this state from the
57 applicable regulatory board under this title.

58 (b) If a health care provider provides services and treatment in-person or other than through telehealth, the health
59 care employer of the health care provider shall also attest to all the following to the Division within 10 days of the date on
60 which the health care provider first begins providing health care services in this state pursuant to this section:

61 (1) That the health care employer has confirmed that the health care provider holds a valid, unexpired
62 credential granted by another state or territory.

63 (2) That to the best of the health care employer's knowledge and with a reasonable degree of certainty, the
64 health care provider is not currently under investigation and no restrictions or limitations are currently placed on the
65 health care provider's credential by the credentialing state or any other jurisdiction.

66 (c) A health care provider who practices within the scope of a temporary license granted under this section is
67 subject to all rights and obligations, including regulatory oversight by the applicable licensing board to which the health
68 care provider has applied for a Delaware license and limitations on scope of practice, that apply to individuals licensed in
69 this State pursuant to this Chapter.

70 (d) A temporary license granted under this section shall be effective as of the date identified in the attestation
71 under subsection (a) that the health care provider first provided health care services in this state pursuant to this subchapter.

72 (e) A temporary license granted under this section shall expire on the date the applicable licensing board under
73 Title 24 to which the health care provider has applied for a Delaware license either grants or denies the health care
74 provider's application.

75 § 6103. Authorization to practice by telehealth and telemedicine.

76 A health care provider who practices within the scope of a temporary license issued pursuant to this Chapter may
77 deliver health care services by telehealth and telemedicine pursuant to the provisions of Chapter 60 of this title and the
78 regulations adopted by the applicable licensing board to which the health care provider has applied for a Delaware license.

79 Section 2. The Division of Professional Regulation shall promulgate regulations to implement the provisions of
80 this Act.

SYNOPSIS

This Act sets forth the procedures by which a health care provider licensed in another state may provide health care services in this State, including the process by which the Division of Professional Regulation must grant a temporary license.