

July 27, 2012

Sharon L. Summers  
Planning and Policy Development Unit  
Division of Medicaid and Medical Assistance  
1901 North DuPont Highway  
P.O. Box 906  
New Castle, DE 19720-0906

**RE: DMMA Proposed Medicaid Telemedicine Regulation [16 DE Reg. 44 (July 1, 2012)]**

Dear Ms. Summers:

The Governor's Advisory Council for Exceptional Citizens (GACEC) has reviewed the Division of Medicaid and Medical Assistance proposal to adopt a regulation allowing the use of a telemedicine delivery system for providers enrolled under the Delaware Medicaid program. The Council would like to share the following observations.

First, authorizing telemedicine offers many advantages to individuals with disabilities, including less transportation time and expense in reaching providers and improved access to subspecialties not widely available in a local area. The concept therefore merits endorsement.

Second, the standards omit any requirement that the use of telemedicine be considered only when it is consistent with effective communication. The Americans with Disabilities Act (ADA) generally contemplates accommodations to ensure effective communication between medical providers and patients; therefore, it would be preferable to "highlight" this consideration in the regulation since it could otherwise be inadvertently overlooked. See attachments. The following sentence could be added:

The provision of services through telemedicine must include accommodations, including interpreter and audio-visual modifications, if necessary to ensure effective communication.

Third, in Section 27, "Provider Qualifications", second paragraph, first bullet, the verb/predicate has been omitted and the word "within" is misspelled. Consider the following amendment: "Act within their scope of practice".

Fourth, in the "Covered Services" section, the reference to "illness or injury" is "underinclusive" since it would exclude diagnoses and treatment of "conditions" such as cerebral palsy or epilepsy. Medicaid covers more than illnesses and injuries. Compare attached DHSS definition of "medical necessity".

Thank you in advance for your time and consideration in reviewing our observations and comments. Please feel free to contact me or Wendy Strauss should you have questions.

Sincerely,

Terri A. Hancharick  
Chairperson

TAH:kpc

Enclosures