November 3, 2015

David C. Mangler  
Director  
Delaware Board of Occupational Therapy Practice  
861 Silver Lake Boulevard  
Dover, DE  19904

RE: Proposed Rulemaking and Public Notice on Telehealth

Dear Mr. Mangler:

The American Telemedicine Association (ATA) appreciates the opportunity to comment on the Delaware Board of Occupational Therapy Practice (“the Board”) Proposed Rulemaking and Public Notice on Telehealth.

ATA strongly supports the Board’s mission “to ensure the protection of the public's health, safety and welfare”, as well as other mechanisms that assure patient safety and promote that all health services delivered either in-person or via telemedicine are of the highest quality and provided in a safe manner. Specifically with regard to clinical practice rules, we believe that, as much as possible, the practice of telemedicine should not be regulated differently from in-person care. While there are important clinical differences that should be recognized, allowed, and appropriately regulated, the provision of telemedicine should not be held to a different standard than in-person care.

It is important that statutes and regulations not hinder patients from getting the best care that can be done under extenuating circumstances. We see a need for prudent action by the Board to review, rescind, and align their proposed rules with the 2015 telemedicine statute 80 Del. Laws, c. 80, § 1T in order to address the needs of patients wishing to access high quality health care from occupational therapists providing services via telemedicine.

As such we believe that the Board’s proposed rules – requiring 1) all evaluations to be performed face-to-face, and 2) a written informed consent before a telehealth encounter – are unwarranted barriers for residents wanting a telehealth-provided service.

In light of the recent Federal Trade Commission (FTC) guidance on licensing boards, we urge the Board to refrain from developing regulatory differences without an evidence base.

Sincerely,

Jonathan D. Linkous  
Chief Executive Officer