



SPONSOR: Rep. B. Short & Sen. Sokola  
Reps. Baumbach, Bennett, Bentz, Bolden, Brady,  
Q. Johnson, Keeley, Kowalko, Osienski, Paradee, Viola,  
Wilson; Sens. Marshall, Pettyjohn, Walsh

HOUSE OF REPRESENTATIVES  
149th GENERAL ASSEMBLY

HOUSE SUBSTITUTE NO. 1  
FOR  
HOUSE BILL NO. 319

AN ACT TO AMEND TITLE 18 OF THE DELAWARE CODE RELATING TO EXPERIMENTAL TREATMENT  
HEALTH INSURANCE COVERAGE.

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

1 Section 1. Amend Chapter 33, Title 18 of the Delaware Code by making deletions as shown by strike through and  
2 insertions as shown by underline as follows:

3 § 3351B. Experimental Treatment Coverage.

4 (a) No individual policy or contract of health insurance, or certificate issued thereunder, which is delivered, issued  
5 for delivery, or renewed in this State by any health insurer, health service corporation, or health maintenance organization  
6 shall deny coverage, payment, or reimbursement for a National Coverage Determination Service on the basis that the  
7 service, item, test, or treatment is experimental or investigational.

8 (b) “National Coverage Determination Service” as used in this section shall mean a service, item, test, or treatment  
9 which has been determined to be covered nationally by the Secretary of the U.S. Department of Health and Human Services  
10 pursuant to the Social Security Act 1969 (f).”

11 Section 2. Amend Chapter 35, Title 18 of the Delaware Code by making deletions as shown by strike through and  
12 insertions as shown by underline as follows:

13 § 3567B. Experimental Treatment Coverage.

14 (a) No group or blanket policy or contract of health insurance or certificate issued thereunder which is delivered,  
15 issued for deliver, or renewed in this State shall deny coverage, payment, or reimbursement for a National Coverage  
16 Determination Service on the basis that the service, item, test, or treatment is experimental or investigational.

17 “National Coverage Determination Service” as used in this section shall mean a service, item, test, or treatment  
18 which has been determined to be covered nationally by the Secretary of the U.S. Department of Health and Human Services  
19 pursuant to the Social Security Act 1869 (f).

## SYNOPSIS

This legislation creates a benchmark for determining when a treatment or service is no longer experimental or investigational. When Medicare determines that a treatment is safe for its population, commercial insurers in Delaware may no longer deny coverage on that basis. This bill will remove inconsistencies for properly-evidenced treatments between payers.