

CHAPTER 111  
FORMERLY  
SENATE BILL NO. 134  
AS AMENDED BY  
SENATE AMENDMENT NO. 1

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

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

WHEREAS Insurance Department Regulation 1301 provides procedures for the arbitration of payment disputes between out of network emergency care providers and carriers; and

WHEREAS Section 7.6 of Department of Insurance Regulation 1301 requires that prior to arbitration, carriers pay directly to non-network emergency care providers, an amount defined in Regulation 1301; and

WHEREAS it is appropriate to incorporate Section 7.6 of Regulation 1301 in Title 18;

NOW, THEREFORE:

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

Section 1. Amend §3349 of Title 18 of the Delaware code by inserting a new §3349(c) to read as follows:

“(c) Prior to a determination by the Insurance Commissioner (or the Commissioner’s designee) of those charges and rates allowed by the providers of emergency services pursuant to §3349(b), the insurer will pay directly to the non-network emergency care provider the highest allowable charge for each emergency care service allowed by the insurer for any other network or non-network emergency care provider during the full twelve month period immediately prior to the date of each emergency care service performed by the non-network provider. The Insurance Commissioner is authorized to adopt regulations concerning the provisions of this Section 3349(c).”

Section 2. Amend §3565 of Title 18 of the Delaware code by inserting a new §3565(c) to read as follows:

“(c) Prior to a determination by the Insurance Commissioner’s (or the Commissioner’s designee) of those charges and rates allowed by the providers of emergency services pursuant to §3565(b), the insurer will pay directly to the non-network emergency care provider the highest allowable charge for each emergency care service allowed by the insurer for any other network or non-network emergency care provider during the full twelve month period immediately prior to the date of each emergency care service performed by the non-network provider. The Insurance Commissioner is authorized to adopt regulations concerning the provisions of this Section 3565(c).”

Section 3. If any provision of this Act or the application of any section or part thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of this Act that can be given effect without the invalid provision or application.

Approved July 13, 2011