

CHAPTER 207  
FORMERLY  
HOUSE BILL NO. 199  
AS AMENDED BY  
HOUSE AMENDMENT NO. 2

AN ACT TO AMEND TITLE 18 OF THE DELAWARE CODE RELATING TO DEVELOPMENTAL SCREENING OF INFANTS AND TODDLERS.

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

WHEREAS, the Delaware Early Childhood Council has recommended that children have comprehensive screening for developmental delays during pediatric check-ups at the ages of nine, eighteen, and thirty months; and

WHEREAS, the recommendation of the Early Childhood Council reflects the position of the American Academy of Pediatrics; and

WHEREAS, developmental screening at nine, eighteen, and thirty months is critical to early detection and successful treatment of developmental delays; and

WHEREAS, the American Academy of Pediatrics has favorably mentioned a number of developmental screening tests; and

WHEREAS, Delaware's Medicaid program currently reimburses doctors for the cost and time involved in administering a formal, comprehensive developmental screen, but most private insurance carriers do not provide such reimbursement; and

WHEREAS, the absence of a reimbursement deters doctors from performing a comprehensive developmental screen at appropriate ages; and

WHEREAS, the cost to policyholders of requiring insurance carriers to reimburse doctors for performing such comprehensive screens at ages nine, eighteen, and thirty months is three cents per member per month;

NOW THEREFORE:

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

Section 1. Amend Title 18, Chapter 33 of the Delaware Code to add a new Section 3358 that shall read as follows:

“§ 3358. Screening of Infants and Toddlers for Developmental Delays.

(a) Definitions. -- As used in this section:

(1) ‘Carrier’ means any entity that provides health insurance in this State. For the purposes of this section, ‘carrier’ includes an insurance company, health service corporation, health maintenance organization, and any other entity providing a plan of health insurance or health benefits subject to state insurance regulation. “Carrier” also includes any third party administrator or other entity that adjusts, administers, or settles claims in connection with health benefit plans.

(2) ‘Developmental Screening’ shall mean any developmental screening tool favorably mentioned by the American Academy of Pediatrics Committee on Children with Disabilities in its position paper on “Developmental Surveillance and Screening of Infants and Young

Children,” or any program judged by the Department of Health and Social Services to be an equivalent program.

(b) This section shall apply to any health insurance contract that provides coverage for a family member of the insured and is delivered by a carrier or issued by a carrier for delivery in the State.

(c) This section shall not apply to policies that exclusively cover (i) Hospital confinement indemnity, (ii) Disability income, (iii) Accident only, (iv) Long-term care, (v) Medicare supplement, (vi) Specified disease indemnity, or (vii) Sickness or bodily injury or death by accident, or both.

(d) Every health insurance policy covered by this section shall entitle children covered by the policy to receive developmental screenings at ages nine months, eighteen months, and thirty months.”.

Section 2. Amend Title 18, Chapter 35 of the Delaware Code by adding a new Section 3571C that shall read as follows:

“§ 3571C. Screening of Infants and Toddlers for Developmental Delays.

(a) Definitions. -- As used in this section:

(1) ‘Carrier’ means any entity that provides health insurance in this State. For the purposes of this section, ‘carrier’ includes an insurance company, health service corporation, health maintenance organization, and any other entity providing a plan of health insurance or health benefits subject to state insurance regulation. “Carrier” also includes any third party administrator or other entity that adjusts, administers, or settles claims in connection with health benefit plans.

(2) ‘Developmental Screening’ shall mean any developmental screening tool favorably mentioned by the American Academy of Pediatrics Committee on Children with Disabilities in its position paper on “Developmental Surveillance and Screening of Infants and Young Children,” or any program judged by the Department of Health and Social Services to be an equivalent program.

(b) This section shall apply to any health insurance contract that provides coverage for a family member of the insured and is delivered by a carrier or issued by a carrier for delivery in the State.

(c) This section shall not apply to policies that exclusively cover (i) Hospital confinement indemnity, (ii) Disability income, (iii) Accident only, (iv) Long-term care, (v) Medicare supplement, (vi) Specified disease indemnity, or (vii) Sickness or bodily injury or death by accident, or both.

(d) Every health insurance policy covered by this section shall entitle children covered by the policy to receive developmental screenings at ages nine months, eighteen months, and thirty months.”.

Section 3. This Act shall take effect 90 days after it is enacted into law.

Section 4. Nothing in this Act shall be interpreted to apply to any entity exempt from state regulation due to the federal ERISA statute or other federal law, or to the state itself absent an affirmative decision by the State Employee Benefits Committee.

Approved August 27, 2009