

LAWS OF DELAWARE  
VOLUME 83  
CHAPTER 322  
151st GENERAL ASSEMBLY  
FORMERLY  
SENATE SUBSTITUTE NO. 1  
FOR  
SENATE BILL NO. 222  
AS AMENDED BY  
HOUSE AMENDMENT NO. 2

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

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

Section 1. Amend § 2503, Title 18 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 2503. Making of rates [For applicability of this section, see 81 Del. Laws, c. 108, § 3] [Effective until Jan. 1, 2027].

(a) Rates must be made in accordance with the following provisions:

(12) a. Rate filings for health benefit plans may not include aggregate unit price growth for nonprofessional services that exceed the following:

1. In 2022, the greater of 3% or Core CPI plus 1%.
2. In 2023, the greater of 2.5% or Core CPI plus 1%.
3. In 2024, 2025, and 2026, the greater of 2% or Core CPI plus 1%.

b. For purposes of this paragraph (a)(12) and paragraphs (a)(13) and (a)(14) of this section:

1. “Core CPI” means ~~the Consumer Price Index for All Urban Consumers, All Items Less Food & Energy, developed by the United States Bureau of Labor Statistics.~~ the average of the 12 preceding bimonthly indices calculating the over-the-year changes of the Consumer Price Index for All Urban Consumers in the Philadelphia-Camden-Wilmington Area, All Items Less Food & Energy, developed by the United States Bureau of Labor Statistics.

2. “Health benefit plan” means as defined under §§ 3342A(a)(3)a. and 3559(a)(3)a. of this title.

3. “Inpatient hospital” means noncapitated facility services for medical, surgical, maternity, skilled nursing, and other services provided in an inpatient facility setting and billed by the facility.

4. “Nonprofessional services” means services categorized as inpatient hospital, outpatient hospital, and other medical services. “Nonprofessional services” does not include professional services.

5. “Other medical services” means noncapitated ambulance, home health care, durable medical equipment, prosthetics, supplies, and the facility component of vision exams, dental services, and other services when billed separately from the professional component.

6. “Outpatient hospital” means noncapitated facility services for surgery, emergency services, lab, radiology, therapy, observation, and other services provided in an outpatient facility setting and billed by the facility.

7. “Professional services” includes primary care, dental, specialist, therapy, the professional component of laboratory and radiology, and similar services, other than the facility fee component of hospital-based services.

c. The Commissioner shall annually determine the Core CPI by March 31 of the applicable rate filing year using the bimonthly indices ending with the bimonthly index issued in January of the applicable rate filing year.

d. The Commissioner shall annually communicate, under § 312(c) of this title, the determination under paragraph (a)(12)c. of this section to carriers.

Section 2. For purposes of rate filing year 2022, the Core CPI under § 2503(a)(12)a.1. of Title 18 of the Delaware Code is 4.5%.

Section 3. Section 1 of this Act expires on January 1, 2027.

Approved June 14, 2022