

LAWS OF DELAWARE
VOLUME 84
CHAPTER 501
152nd GENERAL ASSEMBLY
FORMERLY
HOUSE BILL NO. 268

AN ACT TO AMEND TITLE 31 OF THE DELAWARE CODE RELATING TO ANNUAL BEHAVIORAL HEALTH WELL CHECKS.

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

Section 1. Amend § 531, Title 31 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 531. Annual behavioral health well check [Effective Jan. 1, 2024].

(a) As used in this section:

(1) “Behavioral health well check” means a predeductible annual visit with a licensed mental health clinician with at minimum a masters level degree. The well check must include but is not limited to a review of medical history, evaluation of adverse childhood experiences, use of a group of developmentally-appropriate mental health screening tools, and may include anticipatory behavioral health guidance congruent with stage of life using the diagnosis of “annual behavioral health well check.”

(2) “Carrier” means any entity that provides health insurance under § 505(3) of this title.

(b) All carriers shall provide coverage of an annual behavioral health well check, which, except as provided in subsection (d) of this section, shall be reimbursed ~~through the following common procedural terminology (CPT) codes at the same rate that such CPT codes are reimbursed for~~ at rates comparable to rates for the provision of other medical care, provided that reimbursement may be adjusted for payment of claims that are billed by a nonphysician clinician so long as the methodology to determine such adjustments is comparable to and applied no more stringently than the methodology for adjustments made for reimbursement of claims billed by nonphysician clinicians for other medical care, in accordance with ~~42 CFR § 438.910(d)(1);~~ 42 CFR § 438.910(d)(1).

~~(1) 99381.~~

~~(2) 99382.~~

~~(3) 99383.~~

~~(4) 99384.~~

~~(5) 99385.~~

~~(6) 99386.~~

~~(7) 99387.~~

~~(8) 99391.~~

~~(9) 99392.~~

~~(10) 99393.~~

~~(11) 99394.~~

~~(12) 99395.~~

~~(13) 99396.~~

~~(14) 99397.~~

~~(c) (1) The Director of the Division of Medicaid and Medical Assistance shall update this list of codes through the promulgation of rules if the CPT codes listed in subsection (b) of this section are altered, amended, changed, deleted, or supplemented. develop and implement procedural codes for purposes of billing for a behavioral health well check that are comparable to the rates under the following CPT codes:~~

~~(1) 99381.~~

~~(2) 99382.~~

~~(3) 99383.~~

~~(4) 99384.~~

~~(5) 99385.~~

~~(6) 99386.~~

~~(7) 99387.~~

~~(8) 99391.~~

~~(9) 99392.~~

~~(10) 99393.~~

~~(11) 99394.~~

~~(12) 99395.~~

~~(13) 99396.~~

~~(14) 99397.~~

~~(2) Reimbursement of any of the CPT codes listed in subsection (b) of this section or promulgated under paragraph (c)(1) of this section for the purpose of covering an annual behavioral health well check may not be denied because such CPT code was already reimbursed for the purpose of covering a service other than an annual behavioral health well check.~~

~~(3) Reimbursement of any of the CPT codes listed in subsection (b) of this section or promulgated under paragraph (c)(1) of this section for the purpose of covering a service other than an annual behavioral health well check may not be denied because such CPT code was already reimbursed for the purpose of covering an annual behavioral health well check.~~

Approved October 23, 2024