



SPONSOR: Rep. Longhurst & Sen. Poore  
Reps. Chukwuocha, Heffernan, K. Johnson, Neal, Bush,  
Harris

HOUSE OF REPRESENTATIVES  
152nd GENERAL ASSEMBLY

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:

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

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

4 (a) As used in this section:

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

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

11 (b) All carriers shall provide coverage of an annual behavioral health well check, which, except as provided in  
12 subsection (d) of this section, shall be reimbursed ~~through the following common procedural terminology (CPT) codes at~~  
13 ~~the same rate that such CPT codes are reimbursed for~~ at rates comparable to rates for the provision of other medical care,  
14 provided that reimbursement may be adjusted for payment of claims that are billed by a nonphysician clinician so long as  
15 the methodology to determine such adjustments is comparable to and applied no more stringently than the methodology for  
16 adjustments made for reimbursement of claims billed by nonphysician clinicians for other medical care, in accordance with  
17 ~~42 CFR § 438.910(d)(1):~~ 42 CFR § 438.910(d)(1).

18 ~~(1) 99381.~~

19 ~~(2) 99382.~~

20 ~~(3) 99383.~~

21 ~~(4) 99384.~~

22 ~~(5) 99385.~~

- 23           ~~(6) 99386.~~
- 24           ~~(7) 99387.~~
- 25           ~~(8) 99391.~~
- 26           ~~(9) 99392.~~
- 27           ~~(10) 99393.~~
- 28           ~~(11) 99394.~~
- 29           ~~(12) 99395.~~
- 30           ~~(13) 99396.~~
- 31           ~~(14) 99397.~~

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

- 36           (1) 99381.
- 37           (2) 99382.
- 38           (3) 99383.
- 39           (4) 99384.
- 40           (5) 99385.
- 41           (6) 99386.
- 42           (7) 99387.
- 43           (8) 99391.
- 44           (9) 99392.
- 45           (10) 99393.
- 46           (11) 99394.
- 47           (12) 99395.
- 48           (13) 99396.
- 49           (14) 99397.

50           ~~(2) Reimbursement of any of the CPT codes listed in subsection (b) of this section or promulgated under~~  
51 ~~paragraph (c)(1) of this section for the purpose of covering an annual behavioral health well check may not be denied~~

52 because such CPT code was already reimbursed for the purpose of covering a service other than an annual behavioral  
53 health well check.

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

#### SYNOPSIS

House Bill No. 303, with House Amendment No. 2, from the 151st General Assembly created an annual behavioral health well check and required carriers to provide coverage for this service.

In order to ensure providers of behavioral health well checks are fairly compensated, HB 303 required carriers to reimburse through common procedural technology (CPT) codes at the same billing rate. The cited CPT codes (99381-99387, 99391-99397) are used for services akin to a typical annual well visit for a new or established patient. Billing for the annual behavioral health well check under these CPT codes may impact the accuracy of state claims data from the Division of Medicaid and Medical Assistance (DMMA) to the Centers for Medicare and Medicaid Services.

This Act amends Title 31 of the Delaware Code to allow DMMA to develop and implement new billing codes for a behavioral health well check. These developed codes must be comparable to the rates under the cited CPT codes.