



SPONSOR: Sen. Poore & Rep. Minor-Brown
Sens. Brown, Buckson, Gay, Hansen, Hocker, Hoffner,
Huxtable, Lawson, Lockman, Mantzavinos, S. McBride,
Paradee, Pettyjohn, Pinkney, Richardson, Sokola,
Sturgeon, Townsend, Walsh, Wilson; Reps. Baumbach,
Chukwuocha, Dorsey Walker, S. Moore, Morrison,
Spiegelman, K. Williams

DELAWARE STATE SENATE
152nd GENERAL ASSEMBLY

SENATE BILL NO. 272

AN ACT TO AMEND TITLES 18 AND 29 OF THE DELAWARE CODE RELATING TO HEALTH INSURANCE,
AND TITLE 31 OF THE DELAWARE CODE RELATING TO PHARMACIST CARE.

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

1 Section 1. Amend Chapter 23, Title 18 of the Delaware Code by making deletions as shown by strike through and
2 insertions as shown by underline as follows:

3 § 2321. Provider types, generally. Pharmacists.

4 (a) No health insurer, health service corporation, managed care organization, or health maintenance organization
5 may deny benefits for eligible services based on the type of provider performing the service as long as the provider is acting
6 within the provider's scope of practice.

7 (b) No contract of insurance issued or issued for delivery in this State by a health insurer, health service
8 corporation, managed care organization, or health maintenance organization may exclude pharmacists as providers of
9 services covered in the contract.

10 Section 2. Amend Chapter 33, Title 18 of the Delaware Code by making deletions as shown by strike through and
11 insertions as shown by underline as follows:

12 §3370G. Pharmacist services reimbursement.

13 (a) For any individual insurance policy, contract, or certificate that is delivered, issued for delivery, renewed,
14 extended, or modified in this State after [the effective date of this Act], an insurer or third-party administrator for an insurer
15 must provide reimbursement to a pharmacist for a service or procedure at a rate not less than that provided to other
16 nonphysician practitioners if the service or procedure is all of the following:

17 (1) Within the scope of practice of a pharmacist.

18 (2) Would otherwise be covered under the policy, plan, or contract if the service or procedure is provided
19 by any health care service provider or practitioner, including a physician, advance practice registered nurse, or
20 physician assistant.

21 (b) Whenever a service is performed by a licensed pharmacist and reimbursed by a professional health services
22 plan corporation, the licensed pharmacist must be granted such rights of participation, plan admission, and registration as
23 may be granted by the professional health services plan corporation to a physician or osteopath performing such a service.

24 (c) When payment is made for health care services performed by a licensed pharmacist, no payment or reimbursement may
25 be paid to a physician or osteopath for the services performed by the licensed pharmacist.

26 Section 3. Amend Chapter 35, Title 18 of the Delaware Code by making deletions as shown by strike through and
27 insertions as shown by underline as follows:

28 § 3571AA. Pharmacist Services Reimbursement.

29 (a) For all group and blanket insurance policies, contracts, or certificates that are delivered, issued for delivery,
30 renewed, extended, or modified in this State after [the effective date of this Act], an insurer or third-party administrator for
31 an insurer must provide reimbursement to a pharmacist for a service or procedure at a rate not less than that provided to
32 other nonphysician practitioners if the service or procedure is all of the following:

33 (1) Within the scope of practice of a pharmacist.

34 (2) Would otherwise be covered under the policy, plan, or contract if the service or procedure is provided
35 by any health care service provider or practitioner, including a physician, advance practice registered nurse, or
36 physician assistant.

37 (b) Whenever a service is performed by a licensed pharmacist and reimbursed by a professional health services
38 plan corporation, the licensed pharmacist must be granted such rights of participation, plan admission, and registration as
39 may be granted by the professional health services plan corporation to a physician or osteopath performing such a service.

40 (c) When payment is made for health care services performed by a licensed pharmacist, no payment or
41 reimbursement may be paid to a physician or osteopath for the services performed by the licensed pharmacist.

42 Section 4. Amend Chapter 52, Title 29 of the Delaware Code by making deletions as shown by strike through and
43 insertions as shown by underline as follows:

44 § 5218. Pharmacist Services Reimbursement.

45 (a) The plan must provide reimbursement to a pharmacist for a service or procedure at a rate not less than that
46 provided to other nonphysician practitioners if the service or procedure is all of the following:

47 (1) Within the scope of practice of a pharmacist.

48 (2) Would otherwise be covered under the policy, plan, or contract if the service or procedure is provided
49 by any health care service provider or practitioner, including a physician, advance practice registered nurse, or
50 physician assistant.

51 (b) Whenever a service is performed by a licensed pharmacist and reimbursed by the plan, the licensed pharmacist
52 must be granted such rights of participation, plan admission, and registration as may be granted by the plan to a physician
53 or osteopath performing such a service.

54 (c) When payment is made for health care services performed by a licensed pharmacist, no payment or
55 reimbursement may be paid to a physician or osteopath for the services performed by the licensed pharmacist.

56 Section 5. Amend Chapter 5, Title 31 of the Delaware Code by making deletions as shown by strike through and
57 insertions as shown by underline as follows:

58 § 502. Definitions.

59 As used in this chapter:

60 (7) "Medical care" means payment of all or part of the costs on behalf of eligible recipients; provided, that such
61 payments are within the limitations of the funds appropriated by the General Assembly and the United States
62 Congress for this purpose, for any of the following:

63 a. Inpatient hospital ~~services;~~ services.

64 b. Outpatient hospital ~~services;~~ services.

65 c. Other laboratory and X-ray ~~services;~~ services.

66 d. Nursing ~~services;~~ services.

67 e. Physician's services, whether furnished in the office, the patient's house, a hospital, a skilled nursing
68 home or ~~elsewhere;~~ elsewhere.

69 f. Pharmacist's services, whether furnished in the office, the patient's house, a hospital, a skilled nursing
70 facility, an assisted living facility, a pharmacy, a federally qualified health center, a rural health clinic, or
71 elsewhere.

72 f. g. Drugs and medicine; ~~or medicine.~~

73 g. h. Such other health services and supplies as specified by the Department on recommendation by the
74 Medical Advisory Committee.

75 Such payments ~~shall~~ may be made only to persons, ~~institutions~~ institutions, and entities which meet the standards
76 as established by the Department of Health and Social Services and which promote safe and adequate treatment of
77 individuals in the interest of public health and safety.

78 Section 6. The Department of Health and Social Services shall apply to the United States Department of Health
79 and Human Services for any amendment to the state Medicaid plan or for any Medicaid waiver necessary to implement
80 Section 4 of this Act. The office shall submit the Medicaid state plan amendment by December 31, 2024.

SYNOPSIS

Pharmacists in Delaware provide some of the same medical services as physicians, advance practice registered nurses, and physician assistants, including immunizations. The General Assembly has recently added to the services that pharmacists may provide, including prescribing birth control, testing and treating for a variety of conditions, and prescribing pre-exposure and post-exposure HIV prophylaxis. However, health insurance plans do not currently recognize pharmacists as a provider type that may seek reimbursement for these services, despite already providing coverage for the same services if they were obtained from other providers. This could lead to many pharmacists not providing such expanded services due to the lack of insurance coverage.

This Act requires health insurance providers to provide the same reimbursement to pharmacists that is already provided other providers performing the same services at the same rates as advance practice registered nurses and physician assistants.

This bill also makes technical corrections to conform existing law to the standards of the Delaware Legislative Drafting Manual.

Author: Senator Poore