



SPONSOR: Rep. Longhurst & Rep. Heffernan & Rep. Minor-Brown
& Rep. Michael Smith & Sen. Poore
Reps. Briggs King, Chukwuocha, Lambert, S. Moore,
Morrison, Parker Selby; Sens. Gay, Hansen, Hoffner,
Huxtable, Sturgeon

HOUSE OF REPRESENTATIVES
152nd GENERAL ASSEMBLY

HOUSE BILL NO. 7

AN ACT TO AMEND TITLE 31 OF THE DELAWARE CODE RELATING TO PEDIATRIC INPATIENT
BEHAVIORAL HEALTH ENHANCEMENT.

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

1 Section 1. Amend Chapter 5, Title 31 of the Delaware Code by making deletions as shown by strike through and
2 insertions as shown by underline as follows:

3 § 532. Pediatric Inpatient Behavioral Health Enhancement.

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

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

6 (2) “Dangerous to others” means as defined in §5001 of Title 16.

7 (3) “Dangerous to self” means as defined in §5001 of Title 16.

8 (4) “Dangerous to self or others” means dangerous to self or dangerous to others or both.

9 (5) “Department” means as defined in §5001 of Title 16.

10 (6) “Facility” means designated psychiatric treatment facility as defined in §5001 of Title 16.

11 (7) “Inpatient” means a patient who is 18 years old or younger who is admitted to a facility for treatment that
12 requires at least 1 overnight stay.

13 (b) A carrier must pay an enhanced per diem rate to any facility that admits a patient, 18 years old or younger, who
14 meets at least 1 of the following criteria:

15 (1) The patient has a diagnosis of autism spectrum disorder or intellectual disability disorder.

16 (2) The patient receives services provided by the Department.

17 (3) The patient requires ongoing medical care for chronic medical conditions.

18 (4) The patient requires specialized programming.

19 (5) The patient is dangerous to self or to others and requires a single room.

20 (6) The patient is unhoused or at risk of being unhoused.

21 (c) A carrier's enhanced per diem rate, for a patient who meets any of the criteria under subsection (b) of this
22 section, must be at least 30% more than the ordinary per diem rate.

23 (d) A carrier must increase an enhanced per diem rate, as determined under subsection (c) of this section, by at
24 least 5% for every inpatient day that is a Saturday or Sunday.

25 (e) A carrier must limit the number of days eligible for an enhanced per diem rate to 14 days.

26 (f) The Department shall form a Quality Oversight Committee to identify quality metrics for facilities admitting
27 patients 18 years or younger.

28 (1) The Quality Oversight Committee may require each facility to provide information for the development
29 and review of the quality metrics, including the following:

30 a. The number of patient rejections.

31 b. The number of reduced emergency room visits and readmissions.

32 c. The length of stay at the facility.

33 (2) The Quality Oversight Committee shall review the enhanced per diem rate established under this section
34 and shall biennially make recommendations to the General Assembly's Joint Finance Committee regarding eligibility
35 categories and enhancement rates.

36 (3) The Quality Oversight Committee shall consist of the following members:

37 a. The Secretary of the Department of Services for Children, Youth, and Their Families or the Secretary's
38 designee.

39 b. The Director of the Division of Medicaid and Medical Assistance or the Director's designee.

40 c. A representative of a managed care organization appointed by the Secretary of Health and Social
41 Services.

42 d. A representative of a hospital, based in Delaware, appointed by the Speaker of the House.

43 e. The President of the Delaware Healthcare Association or the President's designee.

44 f. The Director of Value Based Health Care Delivery or the Director's designee.

45 g. A representative of an institution for treatment of medical disease that treats children and adolescents
46 appointed by the Senate President Pro-Tempore.

47 (4) The Director of the Division of Medicaid and Medical Assistance shall serve as the temporary Chair, and
48 shall set the date, time, and place for the organizational meeting at which time the Committee shall elect a Chair and
49 Vice-Chair from the Committee's membership. The Vice-Chair shall serve as Chair in the Vice-Chair's absence.

50 (5) The Committee may adopt rules and bylaws necessary for its operation.

51 (6) A majority of the members constitutes a quorum.

52 (7) The Division of Medicaid and Medical Assistance shall provide administrative support for the Committee.

53 Section 2. Sections 532(a) through (e) of Title 31, as contained in Section 1 of this Act, will take effect on January
54 1 following their enactment into law. Section 532(f) of Title 31, as contained in Section 1 of this Act, will take effect 1 year
55 after the effective date of Sections 532(a) through (e) of Title 31.

SYNOPSIS

This Act requires Delaware Medicaid to provide an enhancement to the acute care per diem rate for psychiatric facilities for hard to place pediatric behavioral health inpatients. The per diem enhancement is limited to an inpatient stay of 14 days. The applicability of the per diem enhancement is determined based on whether admission criteria is met. This Act also creates a Quality Oversight Committee designed to identify quality metrics for facilities admitting patients as well as provide biennial recommendations to the General Assembly's Joint Finance Committee regarding eligibility categories and enhancement rates.