



SPONSOR: Rep. B. Short & Sen. Sokola
Reps. Baumbach, Bennett, Bentz, Bolden, Brady,
Q. Johnson, Keeley, Kowalko, Osienski, Paradee, Viola,
Wilson; Sens. Ennis, Lopez, Marshall, Pettyjohn, Walsh

HOUSE OF REPRESENTATIVES
149th GENERAL ASSEMBLY

HOUSE BILL NO. 319

AN ACT TO AMEND TITLE 18 OF THE DELAWARE CODE RELATING TO EXPERIMENTAL TREATMENT
HEALTH INSURANCE COVERAGE.

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

1 Section 1. Amend Chapter 33, Title 18 of the Delaware Code by making deletions as shown by strike through and
2 insertions as shown by underline as follows:

3 § 3351B. Experimental Treatment Coverage.

4 ~~(a) No individual policy or contract of health insurance, or certificate issued thereunder, which is delivered, issued~~
5 ~~for delivery, renewed, modified, altered, or amended in this State by any health insurer, health service corporation, or health~~
6 ~~maintenance organization shall deny coverage, payment, or reimbursement for a National Coverage Determination Service~~
7 ~~on the basis that the treatment is experimental or investigational when such treatment is prescribed by a medical provider~~
8 ~~acting within the scope of practice.~~

9 ~~(b) Definitions. –~~

10 ~~(1) “National Coverage Determination Service” as used in this section shall mean a service, item, or test which~~
11 ~~receives reimbursement from the Centers for Medicare and Medicaid Services pursuant to the Social Security Act 1869(f).~~

12 Section 2. Amend Chapter 35, Title 18 of the Delaware Code by making deletions as shown by strike through and
13 insertions as shown by underline as follows:

14 § 3567B. Experimental Treatment Coverage.

15 ~~(a) No group or blanket policy or contract of health insurance, or certificate issued thereunder which is delivered,~~
16 ~~issued for delivery, renewed, modified, altered, or amended in this State shall deny coverage, payment, or reimbursement~~
17 ~~for a Covered Preventive Service or a National Coverage Determination Service on the basis that the treatment is~~
18 ~~experimental or investigational when such treatment is prescribed by a medical provider acting within the scope of practice.~~

19 ~~(b) Definitions. –~~

20 ~~(1) “National Coverage Determination Service” as used in this section shall mean a service, item, or test which~~
21 ~~receives reimbursement from the Centers for Medicare and Medicaid Services pursuant to the Social Security Act 1869(f).~~

SYNOPSIS

This legislation creates a benchmark for determining when a treatment or service is no longer experimental or investigational. Essentially, when Medicare determines that a treatment is safe for its population, commercial insurers in Delaware may no longer deny coverage on that basis. This will remove inconsistencies for properly-evidenced treatments between payers.