SPONSOR: Rep. B. Short & Rep. Keeley & Sen. Bushweller
Reps. Barbieri, Brady, Briggs King; Sens. Ennis, Townsend

HOUSE OF REPRESENTATIVES
147th GENERAL ASSEMBLY

HOUSE BILL NO. 164

AN ACT TO AMEND TITLE 18 OF THE DELAWARE CODE RELATING TO INSURANCE COVERAGE FOR MENTAL ILLNESSES AND DRUG AND ALCOHOL DEPENDENCY.

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

Section 1. Amend Section 3576, Title 18, of the Delaware Code by making insertions as shown by underlining as follows:

§ 3576. Mental health parity.

A carrier offering a large group health plan shall comply with the provisions of 42 U.S.C. § 300gg-5, Public Law 104-204, Sections 511 and 512 of Public Law 110-343, and any subsequent changes in federal law.

Section 2. Amend Section 3578(b), Title 18, of the Delaware Code by making insertions as shown by underlining as follows:

§ 3578. Insurance coverage for serious mental illness.

(b) Coverage of serious mental illness and drug and alcohol dependency. -- Carriers shall provide coverage of serious mental illnesses and drug and alcohol dependencies in all health benefit plans delivered or issued for delivery in this State. Such coverage for serious mental illnesses and drug and alcohol dependencies shall include a minimum of thirty (30) consecutive calendar days per benefit year at an inpatient medical or residential facility that is approved by the Joint Commission on Accreditation of Healthcare Organizations. Subject to subsections (a) and (c) through (h) of this section, no carrier may issue for delivery, or deliver, in this State any health benefit plan containing terms that place a greater financial burden on an insured for covered services provided in the diagnosis and treatment of a serious mental illness and drug and alcohol dependency than for covered services provided in the diagnosis and treatment of any other illness or disease covered by the health benefit plan. By way of example, such terms include deductibles, co-pays, monetary limits, co-insurance factors, limits in the number of visits, limits in the length of inpatient stays, durational limits or limits in the coverage of prescription medicines.

Section 3. This Act shall take effect immediately upon its enactment.

HD : SLT : LLB
1941470111
Released: 05/29/2013 04:32 PM

SYNOPSIS

Section 1 of this bill requires compliance with the federal mental health parity laws. Section 2 of this bill requires health insurers issuing large group policies to provide a minimum of 30 consecutive days of inpatient care for serious mental illnesses and drug and alcohol dependencies in order to increase the likelihood of long-term success. Carriers only provide for a limited amount of consecutive days in an inpatient facility (many times, 5 consecutive days) before requiring an insured to seek outpatient therapy. Oftentimes, 5 days is not a sufficient amount of time to diagnosis and treat a serious mental illness or to detoxify from an alcohol or drug addiction.