

WILLIAM BUSH
STATE REPRESENTATIVE
29th District



**HOUSE OF REPRESENTATIVES
STATE OF DELAWARE
411 LEGISLATIVE AVENUE
DOVER, DELAWARE 19901**

COMMITTEES
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Insurance & Commerce, Chair
Energy, Chair
Agriculture, Vice-Chair
Education
Judiciary
Natural Resources
Public Safety & Homeland Security
Transportation, Land Use & Infrastructure
Veterans Affairs

House Economic Development/Banking/Insurance & Commerce Committee Meeting Minutes

5.3.22

This committee meeting has been recorded and may be accessed via legis.delaware.gov

Chair Bush called the meeting to order at 11:15 a.m. Members present included Vice-Chair Bennett, and Reps. Baumbach, Bolden, Griffith, Dorsey Walker, Lambert, Ramone, Spiegelman, Wilson-Anton, and Yearick. Rep. Vanderwende was also present. For a list of guests present, please see the attendance list below.

Chair Bush introduced **HB 331, AN ACT TO AMEND THE DELAWARE CODE RELATING TO STANDS OPERATED BY A CHILD.**

Chair Bush invited Vice-Chair Bennett, sponsor of HB 331, to explain the legislation. Vice-Chair Bennett said she read an article a few years ago stating that Country Time Lemonade started a fund to help children who were being prosecuted for running lemonade stands. Vice-Chair Bennett learned that other states were working on legislation to ensure lemonade stands were not subject to permits and fees. Vice-Chair Bennett and Chair Bush indicated they contacted Riley Brown of the Caesar Rodney School District and worked on this legislation with several students. Vice-Chair Bennett noted that before the committee could meet to discuss the legislation, COVID-19 hit. She said she is now reintroducing the bill.

Chair Bush thanked Vice-Chair Bennett for her work on this legislation.

Rep. Spiegelman asked if the lemonade stand bill passed the House before COVID-19. Vice-Chair Bennett replied that the House did not get a chance to vote on the legislation.

Chair Bush opened the floor to public comment. There was no public comment.

A motion was made by Rep. Ramone and seconded by Rep. Griffith to release HB 331 from committee; motion carried. Yes= (9) Chair Bush, Vice-Chair Bennett, and Reps. Bolden, Lambert, Ramone, Wilson-Anton, Dorsey Walker, Griffith, and Spiegelman.; No= (0); Absent= (4) Reps. Baumbach, Smith, Yearick, and Hensley. The bill was released from committee with a F=6, M=5, U=0 vote.

Chair Bush introduced **SB 224, AN ACT TO AMEND TITLE 5 OF THE DELAWARE CODE RELATING TO BUILDING AND LOAN ASSOCIATION INSURANCE REGULATION.**

Chair Bush invited Rep. Vanderwende to explain SB 224. Rep. Vanderwende stated SB 224 affects buildings and loan organizations of which there are only two in the State of Delaware. Rep. Vanderwende expressed this legislation would increase the threshold limit of a building or land association's ability to obtain federal deposit insurance from \$10,000,000 to \$15,000,000.

Chair Bush opened the floor to public comment. There was no public comment.

A motion was made by Vice-Chair Bennett and seconded by Rep. Bolden to release SB 224 from committee; motion carried. Yes= (10) Chair Bush, Vice-Chair Bennett, and Reps. Bolden, Dorsey Walker, Griffith, Ramone, Lambert,

Spiegelman, Wilson-Anton, and Yearick; No= (0); Absent= (3) Reps. Baumbach, Hensley, and Smith. The bill was released from committee with a F=0, M=7, U=0 vote.

Chair Bush introduced **HB 385, AN ACT TO AMEND TITLE 4 OF THE DELAWARE CODE RELATING TO LICENSES FOR SALE OF ALCOHOLIC BEVERAGES.**

Chair Bush invited the sponsor of this legislation, Rep. Bolden, to explain HB 385. Rep. Bolden stated that HB 385 is a housekeeping bill that refers to SB 230. She noted the legislation allows any municipality with a population of 50,000 or more to establish ordinance rules for the location of liquor stores that are more restrictive than state law. HB 385 also requires the Alcohol Commissioner to refuse a license for any new establishment that does not comply with those rules. Rep. Bolden noted liquor stores are currently next to residents, churches, and schools. Additionally, she expressed when the legislation that expanded the hours for liquor stores on Sundays was passed under Governor Minor's Administration, the bill allowed selection by ordinance.

Rep. Ramone asked how many municipalities this legislation affects. Rep. Bolden responded, saying that currently HB 385 only affects the City of Wilmington. Rep. Ramone noted the City of Wilmington in the past had more flexibility to constrain liquor laws because of the city's density.

Rep. Ramone stated concern about how this legislation would affect liquor stores outside of city limits. Rep. Bolden noted this legislation applies to liquor stores within the City of Wilmington proper.

Rep. Dorsey Walker thanked Rep. Bolden for working on this legislation.

Chair Bush invited Jackie Mette, Commissioner, Alcoholic Beverage Control to testify on HB 385. Commissioner Mette stated she was available to answer any questions from the representatives on the legislation.

Chair Bush opened the floor to public comment. There was no public comment.

A motion was made by Rep. Dorsey Walker and seconded by Rep. Wilson-Anton to release HB 385 from committee; motion carried. Yes= (10) Chair Bush, Vice-Chair Bennett, and Reps. Bolden, Dorsey Walker, Griffith, Ramone, Lambert, Spiegelman, Wilson-Anton, and Yearick; No= (0); Absent= (3) Reps. Baumbach, Hensley, and Smith. The bill was released from committee with a F=2, M=9, U=0 vote.

Chair Bush introduced **HB 400, AN ACT TO AMEND TITLES 18, 29, AND 31 OF THE DELAWARE CODE RELATING TO COMMON SUMMARY PAYMENT FORMS AND PROTECTION OF SENSITIVE HEALTH CARE SERVICES.**

Chair Bush invited Rep. Griffith, sponsor of HB 400 to explain the legislation. Rep. Griffith acknowledged that representatives may have received emails misrepresenting this bill. Rep. Griffith pointed to lines 78, 158, 236, and 271 of the legislation. Rep. Griffith read line 78, which states "nothing contained in the section should supersede any general or special law related to informed consent of minors". Rep. Griffith noted the legislation does not do anything to impede or change existing law as it pertains to minors giving consent to medical procedures.

Rep. Griffith explained that HB 400 fixes a current health care privacy loophole in which insurance companies can send materials to primary policyholders that disclose information on the care that one is receiving, even if the care is supposed to be confidential. Rep. Griffith noted an example where a spouse is a primary policyholder for a family and has his wife and dependents on the policy. Rep. Griffith expressed that if the wife is subjected to domestic violence or sexual assault and needs healthcare, she may opt not to receive healthcare services as her husband, the policyholder, would receive an explanation of benefits form.

Rep. Griffith noted that HB 400 impacts sensitive healthcare services, which include domestic violence and sexual violence treatment, support, and counseling. Rep. Griffith said that a policyholder may have a dependent on their plan who is a college student and seeking treatment in areas like mental health, sexually transmitted infections (STIs), substance abuse, fertility services, and gender transition-related services. She expressed that individuals may not seek services because of concern that confidential treatments would be sent to the policyholder by explanation of benefits

forms. Rep. Griffith stated that HB 400 amended the Delaware Code to require group, individual, and state plans to use a common summary of payment rather than an explanation of benefits form. The common summary of payment form would be used for services deemed to be sensitive healthcare services, which are denoted in the bill.

Rep. Griffith addressed concerns about minors in this legislation. She noted in school-based health centers, a parent or guardian is required to provide permission for a child to receive services offered at the centers. School-based wellness centers are currently not billing for some of these services. Rep. Griffith stated HB 400 would allow school-based wellness centers to bill for these services and to recoup costs. She explained several other states have this law including Massachusetts. Rep. Griffith said she has been working with the Department of Public Health, Department of Health and Social Services, Department of Insurance, and organizations such as NAMI Delaware, Delaware's Coalition against Domestic Violence, Delaware State Education Association, and Highmark Insurance.

Rep. Griffith explained HB 400 was filed last week, but the original bill, HB 261 was filed in June. The change between HB 400 and HB 261 are different titles to include the state health plan.

Rep. Spiegelman commented that parental consent is required in order for a child to receive services at a school-based health center. Rep. Spiegelman asked if this bill would mean that a parent or guardian would be consenting to not being informed on the health care services that their child is receiving. Rep. Griffith stated that Rep. Spiegelman is correct, and a parent or guardian would not receive a bill regarding services received at a wellness center. Rep. Spiegelman asked if a minor could receive medical care without the consent of a guardian at a walk-in clinic or other healthcare establishments. Rep. Griffith stated HB 400 does not impact the existing consent laws in the State of Delaware. She said HB 400 allows for recoupment of costs for school-based health centers.

Rep. Yearick asked if eighteen is the age of an adult. Rep. Griffith responded that she believed the age of an adult is eighteen. Rep. Yearick asked what the percentage is of high school seniors who are over the age of eighteen. Rep. Yearick stated that if someone is eighteen and HB 400 becomes law it would supersede a parent's consent. Rep. Griffith responded, noting that Rep. Yearick's assertion is incorrect. Rep. Griffith reiterated line 78 of the legislation that states "nothing contained in the section should supersede any general or special law related to informed consent of minors".

Rep. Yearick noted that an eighteen-year-old could have access to these services without the policyholder's knowledge. Rep. Griffith responded stating that a policyholder would not know about the services provided if the eighteen-year-old is receiving services deemed to be sensitive healthcare services while on their parent's healthcare insurance plan. Rep. Yearick said he has adult children on his health insurance and would want to be made aware of the treatments that his son or daughter is receiving.

Rep. Yearick asked who came up with the list of sensitive services denoted in the legislation. Rep. Griffith responded, noting she looked at what other states such as Massachusetts and Washington classified as sensitive healthcare services. She expressed she came up with the classifications of sensitive healthcare services with policymakers in Delaware and other jurisdictions that enacted this law.

Rep. Yearick asked if Washington and Massachusetts are the only other states that have enacted this legislation. Rep. Griffith said there are other jurisdictions besides Washington and Massachusetts that have enacted this legislation. Rep. Yearick commented that if he is the policyholder and paying for the services of a dependent, he should be made aware of the services and treatments being provided. Rep. Yearick stated he completely disagrees with that concept and therefore, he will not support this legislation.

Rep. Wilson-Anton expressed that she supports HB 400. Rep. Wilson-Anton shared that her father was emotionally abusive and she went to therapy. Rep. Wilson-Anton learned that her family was aware that she was going to therapy because her mother received an explanation of the benefits. Rep. Wilson-Anton expressed how difficult it is to obtain healthcare insurance in the United States. Rep. Wilson-Anton noted she was upset that her healthcare information was being shared. She stated this legislation is important and necessary. Rep. Wilson-Anton said she applauds Rep. Yearick that he would be interested to know about his adult daughter's medical services. She noted that some parents may not want to be made aware of the healthcare services that their child is receiving. Rep. Wilson-Anton

encouraged parents to create an atmosphere where their children are comfortable enough to be open with their parents. However, not every person is lucky enough to have that relationship with their policyholder.

Rep. Ramone commented that he understands that there are good components of this legislation such as allowing school-based wellness centers to bill for services and issues regarding privacy. Rep. Ramone noted he is a small business owner and lost insurance for his company because Obamacare was a cheaper alternative. Rep. Ramone asked if this legislation would affect the rating of the insurance carrier. Rep. Ramone expressed concern that the passing of HB 400 could cause unintended consequences. Rep. Griffith responded by stating that she has no information that this legislation would cause the insurance rates to change. Rep. Ramone asked if someone from an insurance company could answer his question. Rep. Griffith added this legislation may make rates less expensive because policies being created and implemented by the Department of Insurance (DOI) will allow all healthcare carriers to use the same forms.

With the permission of the chair, Rep. Griffith invited Pam Price of Highmark Blue Cross Blue Shield to respond to Rep. Ramone's question. Ms. Price noted that from her understanding of the legislation if there were costs to the service and it is sensitive information the policyholder will still get a common summary that a service was rendered. She noted if there was no payment required a common summary would not be received. Ms. Price expressed that she does not have enough information to know if this legislation will decrease or increase insurance rates. Mr. Ramone noted that if there is a cost it will go directly on the bill, which would affect insurance rates. He stated this legislation could exacerbate issues for smaller companies looking to provide health insurance to their workers. Rep. Ramone suggested to Rep. Griffith that she considers adding modifications or amendments to HB 400 that could avert some of the concerns discussed in the committee meeting.

Ms. Price said that Highmark Blue Cross Blue Shield of Delaware supports the intent of this legislation. Ms. Price noted that her organization had questions surrounding how to operationalize HB 400. In addition, Highmark Blue Cross Blue Shield noted they have some language amendments, which the organization suggest being added to the legislation.

Rep. Griffith noted that she would be happy to work with Rep. Ramone on his concerns with HB 400. Rep. Griffith stated that another amendment will be forthcoming, which will make the entire bill effective within one year. Rep. Ramone stated he would be very grateful to see any forthcoming amendments on HB 400.

Chair Bush opened the floor to public comment.

Leah Woodall of the Division of Public Health expressed support for HB 400. Ms. Woodall said that school-based health centers are a key component of the division strategy to meet the physical and behavioral health care needs of children. Ms. Woodall stated common practices used during the insurance billing and claims process can inadvertently break confidentiality.

Melanie Ross Levin, Director, Office of Women's Advancement and Advocacy conveyed her support of HB 400. Ms. Levin stated that patients in abusive environments may be subjected to retaliation when the abuser receives an explanation of benefits. She noted that patients may not seek needed healthcare for fear of the policyholder learning about the service received on an explanation of benefits form.

Annie Sleese, Director of Advocacy at the National Alliance on Mental Illness (NAMI) expressed support for HB 400. Ms. Sleese noted this legislation will address barriers that keep individuals from seeking treatment for mental illness.

Erin Ridout explained that she was a victim of sexual assault while in college. After the assault, Ms. Ridout needed medical and therapeutic services but delayed her care out of fear her parents would be notified via an explanation of benefits form. Ms. Ridout expressed support for HB 400.

Mariann Kenville Moore of the Delaware Coalition Against Domestic Violence (DCADV) noted that this legislation does not change mandatory reporting of child abuse and neglect or access to legal medical services. Ms. Moore said HB 400 ensures the right to privacy, particularly for sensitive services.

Javonne Rich, Policy and Advocacy Director of the American Civil Liberties Union (ACLU) expressed support for HB 400. Ms. Rich noted policyholders have access to personal healthcare information of insured dependents such as spouses, partners, and children. Ms. Rich explained this practice creates gaps in privacy and threatens a person's confidentiality.

Dorothy Urick testified in opposition to HB 400. Ms. Urick stated there are benefits in acknowledging privacy but expressed the need to protect children.

Eric Smith expressed opposition to this legislation. Mr. Smith noted that he is against anything that diminishes parental rights or authority regarding minor children. Mr. Smith expressed opposition to transgender or gender-related services. He stated as Christians, legislators have a responsibility to protect the innocent.

Kristen Dwyer of the Delaware State Education Association (DSEA) expressed support for HB 400. She noted school-based wellness centers keep students in school and provide students with needed healthcare services.

Christina Bryan, Director of Communications and Policy, Delaware Healthcare Association expressed support for HB 400.

Nick Beard stated she was raped by a family member as a child and wishes she had an adult in her life to talk to. Ms. Berd expressed support for HB 400.

Nandi Randolph, Policy Analyst, Delaware Family Policy Council expressed strong opposition to HB 400. Ms. Randolph noted this legislation would allow minors to obtain life alternating procedures such as abortion or gender transition without parental notification. She expressed HB 400 should not include minors.

Bessie McAneny expressed opposition against HB 400. She indicated HB 400 would give school clinics the right to perform abortions and gender-related services without parental consent.

Moria Sheridan of Delaware's Right to Life expressed opposition against this legislation.

John Cooper, President, of Delaware School-Based Health Alliance expressed support for HB 400.

Chris Haas, Senior Policy Analyst, Delaware Department of Insurance noted appreciation for the bill sponsors who engaged her department in the implementation and enforcement of this legislation. Ms. Haas expressed support for the legislation and urged HB 400 to be released from the committee.

Yvette Santiago of Nemours Children's Health clarified that parental consent is required for a child to utilize a school-based health center. She noted services offered at these centers include behavioral health, nutritional counseling, immunizations, and treatment for acute illnesses. Ms. Santiago said school-based wellness centers do not provide abortion services or gender transition services.

Karina Slater expressed opposition to the legislation.

Rep. Ramone clarified this legislation does not expand the number of services offered at school-based health centers. Rep. Griffith replied that Rep. Ramone is correct in his assertion. Rep. Griffith added HB 400 allows school-based health centers to recoup costs. Rep. Ramone clarified this legislation will not change the number of school-based health centers in Delaware. Rep. Griffith noted this legislation removes barriers that would prevent individuals from seeking care.

Rep. Ramone asked if a parent or guardian's consent is needed for a minor to utilize a school-based health center. Rep. Griffith responded that parental consent is required for a child to receive services at a school-based health center. Rep. Griffith noted that parental consent for school-based health centers is not changed by the bill.

Rep. Ramone expressed concern that if the legislation passes, parents may not consent to their child utilizing a school-based wellness center. Rep. Griffith said a lot of misinformation regarding HB 400 has been discussed in the committee meeting today. Rep. Griffith expressed that school-based health centers do not provide abortions or transgender procedures. She noted parents are aware of the services offered at school-based wellness centers before consenting to their child's enrollment in a center. Rep. Griffith stated HB 400 allows for school-based health centers to recoup costs for services.

Rep. Ramone expressed concern that if HB 400 passes, parents will not sign their children up to utilize services at school-based health centers. Rep. Griffith encouraged Rep. Ramone to help her communicate with constituents to address any misinformation that is being relayed on HB 400. Rep. Griffith reiterated this legislation does not impact current law regarding minors' consent to treatment. Rep. Ramone noted concern over this legislation detracting from the number of individuals going to a school-based wellness centers.

Rep. Ramone asked if this legislation would include a fiscal note. Rep. Griffith stated that a fiscal note is not needed for HB 400, and she consulted with the state agencies involved in the legislation. Rep. Ramone asked if other states who passed this legislation had a fiscal note. Rep. Griffith responded stating that she was unsure. Rep. Ramone asked what problems this legislation is solving. Rep. Griffith noted that the bill comes from a variety of individuals who are concerned about receiving medical care with their policyholder being made aware of the services they are receiving. She noted the bills come from a variety of needs such as sexual assault, mental health, and domestic violence.

Rep. Ramone noted an amendment clarifying what is meant by abortion services and gender transition-related services in this bill may be necessary. Rep. Ramone reiterated his concern that parents and guardians will not allow their children to receive services at school-based health centers.

Rep. Baumbach asked if Rep. Griffith believes it is the General Assembly's responsibility to correct misinformation coming from organizations like the Delaware Family Planning Council if it results in parents prohibiting their children from accessing school-based wellness centers. Rep. Griffith stated that legislators must represent the truth.

Rep. Wilson-Anton clarified that not all members of the committee are Christians. Rep. Wilson-Anton stated she is a Muslim and Rep. Spiegelman is Jewish.

Rep. Lambert thanked the sponsor for bringing forth this legislation. Rep. Lambert articulated he is a proud sponsor of HB 400 and thanked the advocates for their bravery in sharing their experiences. He encouraged individuals to seek treatment if they are going through something.

Rep. Griffith thanked Rep. Wilson-Anton and the others who bravely shared their experiences. Rep. Griffith explained the difference between HB 261 and HB 400. She noted HB 261 does not include Medicaid or the state health plan. Rep. Griffith expressed HB 400 also includes language from the Delaware Coalition of Domestic Violence and the School-Based Health Centers Association. Rep. Griffith offered to provide a walkthrough of HB 400 with Rep. Ramone. She reiterated HB 400 does not change any existing laws regarding parental consent. Rep. Ramone thanked Rep. Griffith for her comments.

A motion was made by Rep. Wilson-Anton and seconded by Rep. Dorsey Walker to release HB 400 from committee; motion carried. Yes= (8) Chair Bush, Vice-Chair Bennett, and Reps. Baumbach, Bolden, Dorsey-Walker, Griffith, Lambert, and Wilson-Anton; No= (3) Reps. Ramone, Spiegelman, and Yearick; Absent= (2) Reps. Hensley and Smith. The bill was released from committee with a F=4, M=3, U= 0 vote.

Chair Bush adjourned the meeting at 1:04 pm.

Respectfully submitted by:

Rachel Widom, Legislative Fellow

Attendance List

- Annie Sleese, Director of Advocacy at the National Alliance on Mental Illness (NAMI)
- Bessie McAneny
- Brittney Miller
- Cara Wilson
- Chris Haas, Senior Policy Analyst, Delaware Department of Insurance
- Christina Bryan, Director of Communications and Policy, Delaware Healthcare Association
- Cynthia Rennie
- Dorothy Urick
- Eric Smith
- Erin Ridout
- Javonne Rich, Policy and Advocacy Director, American Civil Liberties Union (ACLU)
- John Cooper, President, of Delaware School-Based Health Alliance
- Karina Slater
- Kristen Dwyer, Delaware State Education Association (DSEA)
- Leah Woodall, Division of Public Health
- Linda Barnett
- Lynn May
- Mariann Kenville Moore, Delaware Coalition Against Domestic Violence (DCADV)
- Matt Dittle
- Melaine Ross Levin, Director, Office of Women's Advancement and Advocacy
- Molly Pullman
- Moria Sheridan of Delaware's Right to Life
- Nandi Randolph, Policy Analyst, Delaware Family Policy Council
- Nick Beard
- Pam Price, Highmark Blue Cross Blue Shield
- Yvette Santiago of Nemours Children's Health

5.3. 22 House Economic Development, Banking, Insurance & Commerce Committee

Public Comment

1. *HB 400 (Sponsor: Representative Griffith) Submitted by Chris Haas | May 3, 2022, at 2:19 AM*
2. *HB 400 (Sponsor: Representative Griffith) Submitted by Mollie Poland | May 3, 2022, at 1:58 PM*
3. *HB 400 (Sponsor: Representative Griffith) Submitted by Alexandra Southerst | May 3, 2022, at 11:53 AM*
4. *HB 400 (Sponsor: Representative Griffith) Submitted by Chris Haas | May 3, 2022, at 9:01 AM*
5. *HB 400 (Sponsor: Representative Griffith) Submitted by Edward Dudley | May 3, 2022, at 12:34 AM*
6. *HB 400 (Sponsor: Representative Griffith) Submitted by Nick Beard | April 29, 2022, at 3:37 PM*
7. *HB 400 (Sponsor: Representative Griffith) Submitted by Dr. Jon Cooper | May 3, 2022*

Good morning,

Please accept the following written comment in support of HB 400 should time constraints and technical difficulties prevent our comment by phone during today's committee hearing. The sponsor is welcome to reference this support and comment in her discussion.

"Hello, Chris Haas representing Insurance Commissioner Trinidad Navarro and the Delaware Department of Insurance who are in support of HB 400. We appreciate the ability to comment virtually due to scheduling issues and to provide explanation of what is an existing system.

We appreciate the sponsor's creativity in addressing the issue at hand, and her willingness to engage our office and other stakeholders to ensure that the implementation and enforcement of this legislation are appropriate and effective. We have spoken to other states with similar programs, and are not aware of any significant issues or unintended consequences.

While the bill's implementation period is made necessary by the constraints of both our capacity and the required regulatory process, we do hope to remind legislators and listeners today that there are options if you are receiving sensitive health care services whose communication through an Explanation of Benefit, or EOB, could be less than ideal. In the regulated market, all carriers offer the option of EOB suppression upon your request, which would prevent the service from showing on an EOB, or the document from being sent at all.

Insurers **do** indeed provide this service to persons under the age of 18, though the threshold age can vary by insurer.

As such, our support is based in part on the fact that this bill eases *existing* processes.

As the General Assembly and departments throughout the state work to build a more welcoming and inclusive health care environment, we do hope that no person in need of care delays it. While not yet automatic, you do have options, please contact your insurer to learn more and get the care that you need.

Right now, people are damaging their health because they do not know this option exists. Not only does this lead to long term consequences for the individual that a provider could have otherwise addressed, it also leads to increased healthcare costs overtime for the population as a whole. Issues caught early are always less costly.

Thank you for your consideration of this important legislation. We urge you to vote it out of committee and to support it on the floor very soon."

Christina Haas

Senior Policy Advisor

Delaware Department of Insurance

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**Testimony before House Economic Development/Banking/
Insurance & Commerce Committee Regarding
House Bill 400
May 3, 2022**

Good morning. Chairman Bush, and honorable members of the committee, thank you for the opportunity to speak. I am Yvette Santiago, Director of Community Engagement for Nemours Children's Health and directly involved in the work of our school-based health centers for over 5 years.

School-based health centers improve health equity particularly for vulnerable populations, delivering age-appropriate, critical health services in a trusted environment for students.

First and foremost, in supporting this legislation, it is important to clarify what this legislation does, and what it does not do. For a student to be enrolled in a school-based health center and services delivered, parental consent is required. Additionally, school-based health centers specifically outline the services that are provided. These range from treatment for chronic or acute illnesses, to prevention and wellness including preventive screenings, immunizations, physical exams, nutrition counseling, and behavioral health. School-based health centers do not operate outside of what is permitted by law; they do not provide services to terminate pregnancy nor provide medical or surgical transition for transgender children and youth.

When we think of the range of services provided under the umbrella term of “sensitive health care services”, these are the very items that critically impact basic health and well-being for our children and youth. Services most often provided include substance use and/or abuse counseling, violence prevention and counseling, suicide prevention, treatment and support for mental health diagnoses such as depression or anxiety, grief and loss, crisis intervention – and the list could go on¹. Amid a global pandemic, our children are facing extreme stress. If students are present in the school environment and have build bonds of trust with the adults and medical professionals there, we want them to seek appropriate medical care and intervention. School-based health centers are this effective tool.

The presence of school-based health services is associated with improved academic performance indicators (higher GPAs, rates of attendance, grade promotion, college preparation, and reduced rates of suspensions) as well as indicators of health (increased immunization rates, reduced emergency department use, net savings to state Medicaid programs, and reduction in student depressive episodes and suicide risk).^{1,2}

We urge your support for HB 400. Nemours supports school-based health delivery and as always, we are available for consultation around these issues. Thank you for your time.

¹Arenson, M., Hudson, P. J., Lee, N., & Lai, B. (2019). The Evidence on School-Based Health Centers: A Review. *Global pediatric health*, 6, 2333794X19828745. <https://doi.org/10.1177/2333794X19828745>.

² Heller, E. (2017, May). Improving Access to Care with School-Based Health Centers. Improving access to care with school-based health centers. Retrieved May 2, 2022, from <https://www.ncsl.org/research/health/improving-access-to-care-with-school-based-health-centers.aspx>.

Good Morning. My name is Raina Allen. I'm the Director of the Delaware Racial Justice Collaborative and I'm writing to respectfully request your support for HB 400.

The Delaware Racial Justice Collaborative is powered by United Way of Delaware, which is a statewide organization. The Delaware Racial Justice Collaborative is a membership organization of more than 200 community-based organizations, nonprofits, civic leaders and community stakeholders from across Delaware. Our mission is to ensure equity for all Delawareans and we believe that HB400 will help deliver on that mission.

In my life I've served as a school-based mentoring coordinator at an inner-city middle school. In that role I saw children dealing with significant trauma. Our full-time mental health professional had a full caseload and was completely oversubscribed. HB 400 is important because it provides the framework for school-based wellness centers to offer sensitive health care services to children in these circumstances, in a way that protects the students/clients they serve.

HB 400 also remedies the challenges of billing for services to the parent, guardian or policyholder, while keeping the details of the services confidential. School-based health centers are not traditional medical centers and need policies and practices that align with their unique audience and context.

It's important to note that this bill would allow students to access services around mental health and domestic violence. Some parents who are victims of domestic violence don't seek medical attention for themselves, or for their children. This bill, and changes to the reporting requirements to the policyholder, would allow students to access care that could become evidence of abuse, which is necessary to pursue action to protect the student and move them to safety. HB 400 would also conceal the provision of services from being revealed to a potential abuser who may be the guardian/parent.

Due to the stigma of mental health challenges, some parents don't understand and are not willing to acknowledge that their children are experiencing mental health challenges and often will not allow their children to be treated. This bill would allow children struggling with mental health challenges greater access to desperately needed mental health services.

On behalf of the Delaware Racial Justice Collaborative, I urge you to vote HB 400 out of committee. Thank you.

Good morning,

Please accept the following written comment in support of HB 400 should time constraints and technical difficulties prevent our comment by phone during today's committee hearing. The sponsor is welcome to reference this support and comment in her discussion.

"Insurance Commissioner Trinidad Navarro and the Delaware Department of Insurance support HB 400. We appreciate the sponsor's creativity in addressing the issue at hand, and her willingness to engage our office and other stakeholders to ensure that the implementation and enforcement of this legislation are appropriate and effective.

While the bill's implementation period is made necessary by the constraints of both our capacity and the required regulatory process, we do hope to remind legislators and listeners today that there are options if you are receiving sensitive health care services whose communication through an Explanation of Benefit could be less than ideal. In the regulated market, all carriers offer the option of EOB suppression upon your request, which would prevent the service from showing on an EOB, or the document from being sent at all. As the General Assembly and departments throughout the state work to build a more welcoming and inclusive health care environment, we do hope that no person in need of care delays it. While not yet automatic, you do have options, please contact your insurer to learn more and get the care that you need.

Thank you for your consideration of this important legislation. We urge you to vote it out of committee and to support it on the floor very soon."

Christina Haas

Senior Policy Advisor

Delaware Department of Insurance

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To: House Economic Development/Banking/Insurance & Commerce Committee

Subject: Comment re HB 400

Date: May 2, 2022

Dear Honorable Committee Members:

As a Delaware resident and a registered voter, I would like to provide my comments for your consideration during your scheduled May 3, 2022 meeting to discuss, among other things, House Bill 400 (HB 400) proposing amendments to the Delaware Code relating to insurance payment forms and certain health care services.

First, as a parent and as a health insurance plan holder, I am deeply dismayed by government efforts to promote and mandate the hiding of certain treatment information by dependents. These efforts are especially troubling when it encourages minors to deceive parents and/or omit or misrepresent information about medical treatments. Some of these treatments, like abortion services, are invasive and raise moral questions. Other treatments covered under this proposed legislation, like gender transition services, are not life-saving procedures, but do chemically and physically alter one's body for life. Such life altering decisions for a minor should necessarily involve the parents, and the government should not be in the role of standing between decisions between a parent and a minor child, particularly when the policyholder, most often the parent, is fiscally responsible for the procedure despite not being entitled to know the type of procedure or services performed.

Second, as someone who has had a career in the insurance industry, this proposed legislation adds new oversight and regulation to an already heavily regulated industry. With that comes additional costs, which end up costing consumers even more. Further, the legislation mandates that the insurer serve as a co-conspirator in the cover-up of treatment and medical services that are being assessed against a policy holder's account. While patient confidentiality is a rightful concern, the insurer should not be put in a position of concealing information from its own customers.

I respectfully ask for your consideration in rejecting this proposed legislation.

Thank you for your time and attention to my input.

Wishing you all a blessed day.

Sincerely,

Edward F. Dudley
124 Median Drive
Wilmington, DE 19803
Ph# 302-479-5951
E-Mail: efd123@msn.com



Dear House Economic Development, Banking, Insurance and Commerce Committee,

I am writing to express our strong support of HB 400, an act to amend Title 18 of the Delaware Code relating to Common Summary Payment Forms for sensitive health care services. This Act requires health carriers to use a common summary of payment form, developed by the Department of Insurance in collaboration with health insurers, for defined sensitive health care services, and prohibits the health carriers from specifying any defined sensitive health care services in the form. This act follows the best practices established in other states across the U.S., securing safety and privacy for insured dependents as they seek necessary health care services.

The traditional billing process greatly impedes the ability of insured dependents and other insured members to receive confidential sensitive health care services without the knowledge of the insured policyholder. HB 261 supports insured members in safely, and privately, accessing health care for these sensitive services, promoting their overall health and well-being.

We support HB 400 because it promotes the health of insured Delawareans, improves the safety of survivors seeking sensitive health services, and improves

access to health care. Similar statutes have been passed in other states, including Massachusetts, New York, California, and Wisconsin. Passing HB 261 ensures that those seeking sensitive health care services can do so with increased safety and confidentiality.

Sincerely,

ACLU of Delaware

Delaware Alliance Against Sexual Violence

Delaware Coalition Against Domestic Violence

Delaware National Organization for Women

Network Delaware

Planned Parenthood of Delaware

Southern Delaware Alliance Against Racial Justice

Unitarian Universalist Delaware Advocacy Network

Women's March Sussex

Metropolitan Wilmington Urban League

Building People Power



May 3, 2022

The Honorable Krista Griffith
411 Legislative Ave.
Dover, DE 19901

Dear Representative Griffith,

The Delaware School Based Health Alliance is pleased to support House Bill 400 protecting sensitive health information.

The Delaware School Based Health Alliance promotes and advocates for school-based health care to ensure that children and youth have access to high quality multidisciplinary health care services in a manner and setting that is uniquely tailored to meet the needs of students and the community. Providing access to physical and mental health care for Delaware students is critical to ensuring that every child can reach their full potential.

With parental consent, School Based Health Centers (SBHC) are able to provide a range of health services to students that may include more sensitive services such as mental health and reproductive health care (the provision of reproductive services is subject to the approval of the school board governing the SBHC). Typically, when a service is provided to a student, providers usually bill the student's health insurance for reimbursement. In the process, the health insurance carriers will send an Explanation of Benefit (EOB) statement to the policyholder for anyone covered under the policy that received care, including students.

Unfortunately, the current lack of confidentiality in the EOB statements for sensitive health services has a negative impact on both the ability of students to seek care for these sensitive services and on providers' ability to get reimbursed for these services. Students may avoid seeking care for sensitive health needs out of fear that an EOB will disclose specific information to family members that the student wishes to keep private, leading to untreated conditions and negative health outcomes. Providers may be unable to bill for these sensitive health services without violating the privacy of the student, leaving the provider without reimbursement for the services provided, straining already limited resources.

HB 400 would address this issue by requiring health insurance carriers to use a common summary of payment form developed by the Department of Insurance for defined sensitive health care services and would prohibit the carriers from specifying any defined sensitive health care services on the form.

The Delaware School Based Health Alliance supports HB 400 as it will provide greater access to care for Delaware students and will ensure the sustainability of SBHCs into the future. We look forward to working with you and members of the General Assembly to advance this legislation.



Thank you for your leadership in introducing this important bill.

Sincerely,

A handwritten signature in black ink, appearing to read "Jon Cooper".

Jon Cooper
President
Delaware School Based Health Alliance