

Delaware

Delaware Department of Insurance
710 North King Street
Wilmington, Delaware 19801
(302) 577-3119

Summary of Important Regulations

MEWA Regulations	Yes ¹
TPA Regulations	No
Stop-Loss Regulations	No
UR Regulations	No

NAIC Model Laws or Regulations

<u>Name of Model Law/Regulation</u>	<u>Model/Similar</u>	<u>Related</u>
Health Insurance Reserves Model Regulation	None	Del. Code Ann. tit. 18 § 1108
Comprehensive Health Ins. Cost Containment Model Act	None	None
Standardized Health Claims Form Model Regulation	None	None
Small Employer Health Insurance Availability Model Law	Del. Code Ann. tit. 18 §§ 7201 to 7217	None
Model Regulation To Eliminate Unfair Sex Discrimination	None	None
Health Information Privacy Model Law	None	Del. Code Ann. tit. 16 § 9113
Preferred Provider Arrangements Model Law	None	None
Utilization Review Model Law	None	None
Managed Care Plan Network Adequacy Model Law	None	None
Third Party Administrator Law	None	None

Stop-loss Insurance Model Law

None

None

NAIC Model Laws or Regulations

Name of Model Law/Regulation

Model/Similar

Related

Jurisdiction of Health Care
Providers Model Law

Del. Code Ann. tit. 18
§ 505(d)

None

Standard Group Health
Model Law

Del. Code Ann. tit. 18
§§ 3501 to 3529

None

Group Health Insurance
Mandatory Conversion Law

None

None

Group Coverage Discontinuance/
Replacement Model Regulation

None

None

Premium Rates and Renewability of
Coverage-Small Groups

Del. Code Ann. tit. 18
§§ 7201 to 7217

None

Group Coordination of Benefits
Model Law

Del. Ins. Reg. 61

None

Model Regulation for
Certification of Health Plans

Del. Ins. Reg. 60

None

Off-Label Drug Use Model Law

None

None

Group Health Mandatory Drug/
Alcohol Dependency Law

None

None

Model Newborn Children's Law

Del. Code Ann. tit. 18
§ 3335

None

Health Examination Benefits

None

Del. Code Ann. tit. 18

Delaware

Availability Law

§ 3335(b); tit. 18 § 3556

NAIC Model Laws or Regulations

<u>Name of Model Law/Regulation</u>	<u>Model/Similar</u>	<u>Related</u>
Accident and Sickness Insurance Minimum Standards Model Law	Del. Code Ann. tit. 18 §§ 3601 to 3605	None
Agents and Brokers Licensing Model Law	None	Del. Code Ann. tit. 18 §§ 1701 to 1738
MEWA Licensing Model Law	None	None
Managing General Agents Law	Del. Code Ann. tit. 18 §§ 1801 to 1809	None
Health Maintenance Organization Model Law	None	Del. Code Ann. tit. 16 §§ 9101 to 9115; tit. 18 §§ 6401 to 6406
Insurance Information and Privacy Protection Law	None	None
Unfair Trade Practices Law	Del. Code Ann. tit. 18 §§ 2301 to 2314	None
Model Regulation on Unfair Discrimination in Life and Health Insurance on the Basics of Physical or Mental Impairment	None	None
Model Regulation on Unfair Discrimination in Life and Health Insurance on the Basics of Total or Partial Blindness	None	Del. Code Ann. tit. 18 § 2316

NAIC Model Laws or Regulations

<u>Name of Model Law/Regulation</u>	<u>Model/Similar</u>	<u>Related</u>
Unfair Discrimination against Subjects of Domestic Abuse in Health Benefit Plans Model Law	None	Del. Code Ann. tit. 18 §§ 2302(5),2304(24), 2304(25)
Unfair Claims Settlement Practices Law	Del. Ins. Reg. 26	None
Improper Termination Practices Law	None	None
Employee Leasing Registration Model Law	None	None
Private Employer Workers' Compensation Group Self- Insurance Model Law	None	Del. Code Ann. tit. 18 §§ 401 to 425
Public Employee Workers' Compensation Group Self- Insurance Model Law	None	Del. Code Ann. tit.18 §§ 401 to 425
Twenty Four Hour Coverage Pilot Project Model Law	None	None

State-Mandates

Benefits That Must Be Covered

- Cervical cancer screening (Pap smear)
- Childhood immunizations
- Clinical trials
- Colorectal cancer screening
- Contraceptives (only if prescription drugs are covered, religious employers can opt out, group plans only).
- Diabetic supplies, education
- Emergency services
- Gynecological exams
- Lead poisoning screening (only if outpatient services are covered)
- Mammography screening
- Mental health, parity
- Midwife services
- Minimum mastectomy stays
- Minimum maternity stays
- Newborn care
- Prescription drugs
- Referrals

Benefits That Must Be Offered

None

Persons Who Must Be Allowed Coverage

- Newborns

Providers Who Must Be Covered

- Chiropractors
- Nurse Midwives
- Nurse Practitioners
- Optometrists
- Podiatrists

Coordination of Benefits

- Birthday Rule? Yes
- Divorced/Separated Rule? Yes
- Joint Custody Rule? No
- Active v. Inactive Rule? Yes

- Longer v. Shorter Rule? Yes
- Managed Care Rule? No
- COBRA Rule? No
- Preservation Rule? No

Continuation or Conversion

Not Required

Patient's Bill of Rights Legislation

None

High Risk Health Pool

No

External Grievance System

Yes - managed care plans only

Basis of Filing Grievance

Investigational treatment appeals and medical necessity

Status of Decision of Grievance Parol

Advisory only

Prompt Payment of Health Claim Requirement

Yes - 45 calendar days

Commentary

Pap smears for cervical and endometrial cancer screening, where benefits are provided for outpatient services; however, such coverage does not prevent the application of deductibles, coinsurance, allowable charge limitations, coordination of benefits, or provisions restricting coverage to services rendered by licensed certified, or carrier approved providers or facilities.

Coverage for children under all health plans in Delaware cannot limit treatment for suspected child abuse or neglect.

Delaware law requires all insured group plans to provide childhood immunizations for each child from birth through age 18.

MEWA Regulation

Delaware directly regulates MEWAs.² There is no fee or bond requirement for registration of METs/MEWAs. The statute pertains to both common-industry-related (association) METs as well as unrelated METs. Delaware allows METs to be self-funded. The statute is silent as to whether or not METs/MEWAs are required to be partially insured. The regulation requires that a MEWA file documents regarding the name of the insurer, the name of the group, a copy of the policy, organizational documents, and a statement regarding the extent to which benefits are insured.

TPA Regulations

Delaware does not regulate TPAs.

Stop-Loss Regulation

None. Stop-loss agreement must be filed with the state.

Utilization Review Regulations

None.

Miscellaneous

State Premium Taxes

Commercial insurers are taxed at 2.25%; no tax is assessed against Blue Cross or HMOs.

Endnotes

- ¹ Del. Ins Reg. 67.
² See N. 1.