



DOMESTIC AND FOREIGN INSURERS BULLETIN NO. 134

TO: INSURANCE CARRIERS IN DELAWARE

RE: MANDATORY COVERAGE OF ANNUAL BEHAVIORAL HEALTH WELL CHECK

DATED: November 17, 2022

REISSUED: January 25, 2024

The purpose of this Bulletin is to remind all insurance carriers in Delaware that, beginning on January 1, 2024, carriers are required to cover annual behavioral health well checks as described more fully below.

Background

House Bill No. 303, as amended by House Amendment No. 2, of the 151st General Assembly (“HB 303”), signed by the Governor on August 3, 2022, added new sections 3370E and 3571Z to the Delaware Insurance Code (18 Del.C. §§ 101, *et seq.*). Both new sections are identical, and they both require carriers to provide coverage for an annual behavioral health well check. HB 303 also creates an advisory committee tasked with creating recommendations for implementation of the Act.

Specifics of Annual behavioral health well check coverage

HB 303 lists the common procedural terminology (CPT) codes under which providers must be reimbursed. Additionally, carriers are required to reimburse providers at the same rate that such CPT codes are reimbursed for the provision of other medical care, provided that reimbursement may be adjusted for payment of claims that are billed by a nonphysician clinician so long as the methodology to determine such adjustments is comparable to and applied no more stringently than the methodology for adjustments made for reimbursement of claims billed by nonphysician clinicians for other medical care, in accordance with 45 CFR 146.136(c)(4).

NOTE: This Bulletin is intended solely for informational purposes. It is not intended to set forth legal rights, duties, or privileges, nor is it intended to provide legal advice. Readers should consult applicable statutes and rules and contact the Delaware Department of Insurance if additional information is needed.

In January 2024, a review was conducted on the specific CPT Codes provided in the statute and listed below, indicating that no changes have occurred. Any future modifications, amendments, changes, deletions, or supplements to the CPT Codes will be updated through Department regulations.

- (1) 99381
- (2) 99382
- (3) 99383
- (4) 99384
- (5) 99385
- (6) 99386
- (7) 99387
- (8) 99391
- (9) 99392
- (10) 99393
- (11) 99394
- (12) 99395
- (13) 99396
- (14) 99397.

Questions about this Bulletin should be emailed to doi-legal@delaware.gov.

This Bulletin shall be effective immediately and shall remain in effect unless withdrawn or superseded by subsequent law, regulation or bulletin.



Trinidad Navarro
Delaware Insurance Commissioner

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