



DOMESTIC/FOREIGN INSURERS BULLETIN NO. 71 (Revised)

**TO: ALL INSURANCE COMPANIES THAT WRITE HEALTH INSURANCE
COVERAGE IN DELAWARE**

RE: Payments to Non-Network Providers of Emergency Services

DATED: June 23, 2014 (revised March 28, 2017)

Title 18 §§ 3349(c) and 3565(c) of the Delaware Code require a health insurer to pay directly to a non-network provider of emergency services the highest allowable charge for each emergency care service allowed by the insurer for any other network or non-network provider during the full 12-month period immediately prior to the date of emergency care service performed by the non-network provider.

Section 7.6.1 of Department Regulation 1301 provided for the same health insurer payments to non-network providers of emergency services required by 18 **Del. C.** §§3349(c) and 3565(c). Section 7.6.2 of Regulation 1301 required that all payments due to the non-network provider pursuant to Section 7.6.1 must be paid within 30 days after the insurer has received a clean claim, as defined in Section 4.0 of Department Regulation 1310.

The **purpose of the revisions to this bulletin** is to update cross references to the regulations referenced herein. The Department recodified 18 **DE Admin. Code** 1301-7.61 and 7.62 to 18 **DE Admin. Code** 1316-3.6.1 and 3.6.2. See 19 **DE Reg.** 923 and 926 (April 1, 2016).

That said, the purpose of the original bulletin remains the same. The statute at 18 **Del.C.** §§ 3349(c) and 3565(c) and the implementing regulations now codified at 18 **DE Admin. Code** 1316-3.6.1 and 3.6.2 do not require either the insurer or the non-network provider of emergency services to request arbitration as a precondition to the insurer paying the non-network provider within 30 days of the insurer's receipt of a clean claim. Rather, these provisions require a health insurer to pay the required amount to the non-network provider within 30-days of receipt of each clean claim for each emergency care service, irrespective of whether the insurer or the provider has petitioned for arbitration.

Any questions, comments or requests for clarification about this bulletin should be emailed to consumer@state.de.us.

This Bulletin shall be effective immediately and shall remain in effect unless withdrawn or superseded by subsequent law, regulation or bulletin.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