TRINIDAD NAVARRO
COMMISSIONER

STATE OF DELAWARE
DEPARTMENT OF INSURANCE

DOMESTIC AND FOREIGN INSURERS BULLETIN NO. 62

TO: **INSURERS, HEALTH SERVICE CORPORATIONS, AND MANAGED CARE ORGANIZATIONS THAT DELIVER OR ISSUE FOR DELIVERY IN THIS STATE INDIVIDUAL AND GROUP INSURANCE POLICIES OR PLANS SUBJECT TO REGULATION UNDER TITLE 18 OF THE DELAWARE INSURANCE CODE**

RE: **COVERAGE OBLIGATIONS FOR CHIROPRACTIC AND PHYSICAL THERAPY SERVICES UNDER SENATE BILL 238**

DATED: **February 18, 2013**

REVISED: **August 2, 2018 and October 28, 2026**

The Delaware Department of Insurance (the "Department") issues this revised Bulletin to update and clarify carrier obligations regarding coverage of chiropractic therapy and physical therapy services in light of statutory changes enacted by Senate Bill 238 (SB 238), signed April 28, 2026. SB 238 expands Delaware's insurance coverage requirements for treating chronic pain and neuromusculoskeletal conditions and supersedes portions of prior Department guidance in Bulletin No. 62. This revision ensures carriers implement the statute consistently and in accordance with legislative intent.

BACKGROUND

Under existing Delaware law, individual, group, blanket, State employee, and Medicaid health plans must cover chiropractic and physical therapy services to treat chronic back pain. Original Bulletin No. 62 informed carriers that Section 716 of Chapter 24 of the Delaware Code prohibits discrimination against chiropractors with respect to cost containment and managed care provisions. A subsequent revision to Bulletin No. 62 notified carriers of the adoption of Regulation 1318, entitled Compensation for Chiropractic Services, which implemented 24 *Del. C.* § 716 by prohibiting unreasonable and discriminatory access to chiropractic care or services and by prohibiting unreasonable and discriminatory compensation for that care or service.

SB 238 broadens these protections. The Act prohibits any annual or lifetime numerical limitation on covered chiropractic or physical therapy visits when the treatment is for the spine or other neuromusculoskeletal structures, including extremities. The General Assembly enacted this expansion after reviewing evidence that limiting coverage to portions of the spine (e.g., thoracic and lumbar regions) or restricting visit counts interfered with effective chronic pain management and increased reliance on opioid medications. The revised law ensures that treatment areas and visit frequency align with evidence-based practice and support improved patient outcomes.

CARRIER OBLIGATIONS

Effective for all policies issued, renewed, modified, or amended on or after **December 31, 2026**, carriers must:

- **Remove all numerical visit limits** (annual or lifetime) applicable to chiropractic and physical therapy services provided for the treatment of the spine, extremities, or other neuromusculoskeletal structures.
- **Ensure coverage includes all treatment regions**, not only thoracic or lumbar areas, consistent with the expanded statutory standard.
- **Review and update** medical policies, benefit designs, claims systems, prior authorization protocols, and internal guidelines to reflect the expanded coverage.
- **Revise consumer-facing documents**, including summaries of benefits and coverage, to accurately reflect the absence of visit caps and expanded treatment scope.
- **Educate claims personnel, providers, and third-party administrators** to ensure uniform application of the new requirements.

Carriers should evaluate filed forms and benefit documents to determine whether previously submitted materials include numerical visit limits or region-specific service restrictions. SERFF filings are required only if filed forms contain provisions that conflict with SB 238.

ENFORCEMENT

The Department emphasizes that application of numerical visit caps or restrictions based on body region will be considered non-compliant with Delaware law and may result in administrative action under 18 *Del. C.* §§ 520 and 2304.

Questions about this Bulletin should be emailed to compliance@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

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.