



153RD GENERAL ASSEMBLY UPDATE

Alexa Scoglietti, Chief Policy Advisor
James Berryhill, Legislative Director

HEALTH SYSTEM REFORMS: SB 12 & HB 212

- SB 12 Delaware Prior Authorization Reform
 - *Sets strict turnaround times for prior authorizations*
 - *Extends Prior Auth validity to 90 days (up from 60)*
 - *Limits to one prior Auth per episode of care*
 - *Requires insurers to build an electronic portal for prior auths by Jan. 1, 2027 and requires them to use this portal to submit prior auth data to DHIN.*
 - *Applies to Medicaid MCOs, State employee plans, & private insurers effective Dec 31, 2026*

HEALTH SYSTEM REFORM:

- HS 1 to HB 212 Overpayment Recovery & Audit Reform (passed)
 - *Reduces unfair audits, protects providers, and requires more accountability from insurers and PBMs*
 - *Shortens clawback window from 2 years → 1 year*
 - *Bans extrapolation in audits (no guesswork from small samples) unless explicitly allowed by law*
 - *Requires PBMs to provide written notice when seeking chargebacks from pharmacies*

DATA & PLANNING: SB 122 & HB 231

- SB 122 – Health Care Workforce Data Collection (*Passed*)
 - *Requires the Division of Professional Regulation to collect workforce data from providers during licensing and renewal*
 - *Authorizes DPH and DHCC to access and use this data for planning, research, and policy*
 - *Data may include provider location, licensure type, employment setting -- but not personal or financial info*
 - *Applies across all healthcare boards: doctors, nurses, therapists, dentists, social workers, etc.*

DATA & PLANNING: SB 122 & HB 231

- HB 231 – Uniform Health Data Modernization (*not passed*)
 - *Updates Delaware's Uniform Health Data law to strengthen reporting across hospitals and nursing homes*
 - *Ensures emergency department and inpatient discharge data is consistently collected and included in state reporting*

WORKFORCE & ACCESS EXPANSION: SB 109 & SB 147

- SS 1 for SB 109 - Social Work Licensure Compact (Passed)
- SB 147 – Dentist and Dental Hygienist Compact (*Did Not Pass*)

PROVIDER ROLES IN END-OF-LIFE CARE: HB 224 & HB 140

- HB 224 – Death Certification Reform (*Did not pass*)
 - *Authorizes Physician Assistants to pronounce death and sign death certificates*
 - *Removes RNs from this authority to match scope of practice laws*

PROVIDER ROLES IN END-OF-LIFE CARE: HB 224 & HB 140

- HB 140 – End of Life Options Act (*Passed*)
 - *Allows terminally ill, mentally capable adults to request and self-administer medication to end their life Removes RNs from this authority to match scope of practice laws*
 - *Includes strict eligibility criteria, waiting periods, physician documentation, and penalties for coercion or forgery*
 - *Establishes a regulatory framework for DHSS to implement safeguards and monitor the process*
 - *Effective Date: January 1, 2026 (or earlier if regulations are finalized)*

HB 205

Shield laws are legal protections for patients, healthcare providers, and people assisting in the provision of certain health care in states where that case is legal from the reach of states with civil, criminal and professional consequences related to that care.

(UCLA Center for Reproductive Health, Law, and Policy)

ELEMENTS OF SHIELD LAW

- Protects providers from disciplinary action from their regulatory board...
- Prohibits disclosure of communications in civil proceedings except in limited circumstances...
- Protects from civil and criminal actions from another state...
- Prohibits insurers from making adverse actions...
- Prohibits state or local agencies from assisting law-enforcement...

If the provided healthcare service is lawful in the State.

DELAWARE SHIELD LAW

Initial Post-*Dobbs* Legislation & Updates

2024 Update

Changes from HB 205 (Romer)

Limitations