

# Spotlight on State: Delaware

*This is part of a [series of summaries](#) that highlight notable legislation and initiatives in health policy and reform of all 50 states. Check back on The Source as we roll out additional states each week.*

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Delaware has a long legislative history in healthcare price transparency initiatives. Delaware legislators have authorized the Delaware Health Information Network to develop a centralized health care claims database since 2016. The Delaware Health Care Claims Database collects healthcare claims, enrollment, and provider data from Medicare, Medicaid, and the seven largest commercial health insurers in the state. To protect consumers against surprise billing, Delaware prohibits balance billing for medically necessary services through non-network providers that are not available in-network. Another law requires out-of-network facilities rendering nonemergency services to provide disclosure of any out-of-network charges not covered by the insurance.

To control the state's rising healthcare costs, Delaware passed legislation that gave the Delaware Health and Social Services (DHSS) authority to establish a [benchmark](#) that would link the growth rate of health-care spending to the state's rate of economic growth. Governor John Carney (D) also issued an [executive order](#) in 2018 that formed an advisory group to help set the benchmark. In 2021, the legislature passed a [sweeping healthcare bill](#) that would place rate caps on hospital price growth to boost investment in primary care, compel certain payers to tie their business to alternative payment models by 2023, and create shared accountability for both the cost and quality of care.

In the provider market, the state has statutes that voids covenant not to compete provisions of an employment, partnership or corporate agreement between and/or among physicians. Delaware also conducts a Certificate of Public Review (analogous to a Certificate of Need) prior to the acquisition of nonprofit healthcare facilities. In the interest of controlling healthcare costs, the review is based on whether there is a public need for the proposed action, whether there are less costly alternatives to the

proposed action, and on how the action would impact the cost and quality of healthcare.

Delaware also has robust laws that promote the use of telehealth services. The state mandates both coverage and payment parity, requiring health plans to cover telehealth services for members and pay providers on at least the same basis as in-person services. Since the coronavirus pandemic, the state further amended telemedicine laws to allow patients to access telemedicine services without an in-person visit.