

MEMORANDUM

DATE: April 30, 2009

TO: All Members of the Delaware State Senate
and House of Representatives

FROM: Ms. Daniese McMullin-Powell
Chairperson
State Council for Persons with Disabilities

RE: S.B. 65 [Children with Disabilities Access to Dental Services]

The State Council for Persons with Disabilities (SCPD) has reviewed S.B. 65 which would require private dental insurance to secure dental care for children with severe disabilities irrespective of “in-network” restrictions.

SCPD strongly endorses the proposed legislation. Children with severe disabilities covered by private health insurance are often unable to obtain in-network services given the lack of in-network dentists willing and able to treat them. Children with autism or mental deficiencies are often uncooperative with treatment. Children with postural or mobility impairments may be unable to transfer from a wheelchair or sit in a standard dental treatment chair. This bill requires private health insurers regulated by the Delaware Insurance Commissioner to pay non-network dentists who treat such children the higher of negotiated compensation or reasonable and customary compensation. The out-of-network dentist could not balance bill the insured after accepting the insurer’s payment. Large employer-based dental plans would be required to include evidence in their application of the capacity to provide dental services and adequate reimbursement for services to children with a severe disability. Finally, it promotes the availability of in-network practitioners willing and able to treat such children.

Thank you for your consideration and please contact SCPD if you have any questions regarding our position on the proposed legislation.

cc: The Honorable Jack Markell
Mr. Brian Hartman, Esq.
Governor’s Advisory Council for Exceptional Citizens
Developmental Disabilities Council