



STATE OF DELAWARE  
**STATE COUNCIL FOR PERSONS WITH DISABILITIES**  
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The Honorable John Carney  
Governor

John McNeal  
SCPD Director

**MEMORANDUM**

DATE: April 30, 2020

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

FROM: Mr. J. Todd Webb, Chairperson *JTW*  
State Council for Persons with Disabilities

RE: H.B. 307 (Annual Behavioral Health Well Check)

The State Council for Persons with Disabilities (SCPD) has reviewed H.B. 307, which proposes to add language to various chapters of the Delaware Code to mandate health insurance coverage for an “annual behavioral health well check,” which is defined as “an annual visit with a licensed mental health clinician with at minimum a masters level degree.” The bill refers to the Mental Health Parity and Addiction Equity Act, which was passed by the U.S. Congress in 2008. The Act, as passed in 2008, only applied to group health plans and insurance coverage, but was expanded by the 2010 Affordable Care Act to include individual health insurance coverage (see, e.g., “The Mental Health Parity and Addiction Equity Act (MHPAEA),” available at [https://www.cms.gov/CCIIO/Programs-and-Initiatives/Other-Insurance-Protections/mhpaea\\_factsheet](https://www.cms.gov/CCIIO/Programs-and-Initiatives/Other-Insurance-Protections/mhpaea_factsheet)). SCPD has the following observations.

HB 307 would add identical language to the chapters of the Delaware Code referring to health insurance contracts (Title 18, Chapter 33), group and blanket health insurance (Title 81, Chapter 35), the State Public Assistance Code (Title 31, Chapter 5) and health care insurance for state public officers and employees (Title 29, Chapter 52). This language requires that health plans cover an annual behavioral health well check, which “must include but not be limited to a review of medical history; evaluation of adverse childhood experiences; use of appropriate battery of validated mental health screening tools” and “may include anticipatory behavioral health guidance congruent with stage of life using the diagnosis of “annual behavioral health well

check.” In addition to provisions for how providers shall be reimbursed, the language in the bill makes clear that this check may be “incorporated into and reimbursed within any type of integrated primary care service delivery method,” meaning it would presumably not necessarily require patients to schedule a separate appointment for an annual behavioral health well check.

The SCPD is endorsing this bill, as expanded coverage for preventative care and early intervention will benefit individuals with mental health conditions or who are at risk of developing mental health conditions later in life.

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

cc: Ms. Laura Waterland, Esq.  
Delaware Commission on Veterans Affairs  
Governor’s Advisory Council for Exceptional Citizens  
Developmental Disabilities Council

HB 307- annual behavioral health well check 4-30-20