




STATE OF DELAWARE  
**STATE COUNCIL FOR PERSONS WITH DISABILITIES**  
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**MEMORANDUM**

DATE: May 28, 2010

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: H.B. 367 [Health Insurer Claim Denials]

The State Council for Persons with Disabilities (SCPD) has reviewed H.B. 367 which would require an insurer who denies coverage for a procedure or test as medically unnecessary to reimburse an insured for all expenses, including out-of-pocket expenses, if the insured pays for the procedure or test and the procedure or test is proven to be medically necessary.

SCPD endorses the proposed legislation since it would deter unreasonable denials of coverage by health insurers. However, an amendment should be considered to modify Title 18 Del.C. §2301(b) by substituting “§2319” for “§2316” to clarify, consistent with the synopsis, that the bill is intended to characterize an unreasonable denial of coverage within the scope of the bill as an unfair practice.

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

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