



Trans Health Project

Working for Transgender Equal Rights

Delaware Health Insurance Guidance

Delaware has explicit insurance guidance on transgender-related health care.

Statutes:

18 DE Code § 2304 (2012)

Regulations:

Code Del. Regs. 1308 Appendix A

Summary:

(Applicable to both Basic and Standard Indemnity Benefit Plans). This regulation is implementing a chapter on Small Employer Health Insurance stating that a small employer carrier shall issue a basic health benefit or standard health benefit plan if certain requirements are met. 18 Del. C. § 7207.

- Excluding “any treatment leading to or in conjunction with transsexualism, sex changes or modification, including but not limited to surgery.”

Bulletins and Announcements:

Bulletin: [The Gender Identity Nondiscrimination Act of 2013](#)

Issued by: Commissioner Navarro

Issued on: Sept. 4, 2023

Summary:

“The Department further expects that *determinations of medical necessity, eligibility, and prior authorization requirements for diagnoses related to an insured’s gender identity will continue to be based on current medical standards established by nationally recognized transgender health medical experts*. The failure to recognize such standards in making such determinations qualifies as a violation of the Unfair Trade Practices Act.”

Bulletin: [Domestic/Foreign Insurers Bulletin No. 86, The Gender Identity Nondiscrimination Act of 2013 \(2016\)](#)

Issued by: Delaware Department of Insurance

Issued on: March 23, 2016

Summary:

Prohibiting “any blanket policy exclusion for gender dysphoria, gender identity disorder, medically necessary surgeries or other treatments related to gender transition or related services”.

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