



DOMESTIC/FOREIGN INSURERS BULLETIN NO. 79

TO: ALL DELAWARE HEALTH INSURANCE CARRIERS IN THE LARGE GROUP MARKET

RE: Definition of Small Group Health Insurance Policies

DATED: October 15, 2015

On October 8, 2015, President Obama signed into law the Protecting Affordable Coverage for Employees ("PACE") Act. The PACE Act removed the Affordable Care Act provision which would have changed the definition of small employer to 1-100 full-time employees. Under the PACE Act, states now have the discretionary authority to define small employer in such a manner that is effective for each state's unique health insurance market and respective demographics.

In light of the PACE Act, the Delaware Department of Insurance (the "Department") is clarifying that the definition of "small employer" in Chapter 72 of the Delaware Insurance Code, 18 *Del. C.* §§ 101, *et seq.*, remains applicable to small employers, as defined in 18 *Del. C.* § 7202(34), with a group health plan providing coverage to not more than 50 eligible employees.

In light of the above, Domestic/Foreign Insurers Bulletin No. 75, issued on April 15, 2015, regarding transitional renewal of large group health insurance policies for groups with 51-100 is no longer necessary and is hereby withdrawn.

Any questions, comments or requests for clarification about this bulletin should be emailed to RateDivision@state.de.us.

This Bulletin shall be effective immediately and shall remain in effect unless withdrawn or superseded by subsequent law, regulation or bulletin.

A blue ink signature of Karen Weldin Stewart is written over a horizontal line.

Karen Weldin Stewart, CIR-ML
Delaware Insurance Commissioner