



**DOMESTIC AND FOREIGN INSURERS BULLETIN NO. 129**

**TO: INSURERS, HEALTH SERVICE CORPORATIONS, AND MANAGED CARE ORGANIZATIONS THAT DELIVER OR ISSUE FOR DELIVERY IN THIS STATE INDIVIDUAL AND GROUP INSURANCE POLICIES OR PLANS SUBJECT TO REGULATION UNDER TITLE 18 OF THE DELAWARE CODE.**

**RE: IMPLEMENTATION OF REGULATION 1322 REQUIREMENTS FOR MANDATORY MINIMUM PAYMENT INNOVATIONS IN HEALTH INSURANCE**

**DATED: May 11, 2022**

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***What is the purpose of this Bulletin?***

This Bulletin describes the procedures to be used by insurers and other entities to which Section 9 of new Regulation 1322 applies when those entities complete the 2022 Affordability Standards Data Request (ASDR) template. New Regulation 1322, Requirements for Mandatory Minimum Payment Innovations in Health Insurance (18 DE Admin. Code 1322), became effective on May 11, 2022. Background on the regulation and on the underlying statute may be found in the public notices in which the Department proposed the new regulation, which were published in the *Register of Regulations* (see 25 DE Reg. 684 (January 1, 2022) and 25 DE Reg. 828 (March 1, 2022)).

***Which Carriers Are Required to Complete the ASDR Template?***

Any carrier making rate filings for health benefit plans, as defined by 18 Del. C. §§ 3342A(a)(3)a. and 3559(a)(3)a.

***What is the Process for Completing and Submitting the ASDR Template?***

Carriers must complete the ASDR template annually, for each line of business and submit the completed ASDR template to the Department's Office of Value Based Healthcare Delivery (OVBHCD) as part of their rate filing.

A draft template and detailed instructions for completing the template are attached to this Bulletin and are also posted on the OVBHCD website. Questions regarding the template or its completion should be submitted to OVBHCD Director at [OVBHCD@delaware.gov](mailto:OVBHCD@delaware.gov).

No later than the applicable completed ASDR template submission deadline, carriers should send a copy of the completed template to the OVBHCD Director at [OVBHCD@delaware.gov](mailto:OVBHCD@delaware.gov). Carriers are encouraged to submit the ASDR template before the deadline, even if their full rate filing is not complete.

***What are the completed ASDR template submission deadlines?***

The completed ASDR template submission deadlines are as follows:

<b>Line of Business</b>	<b>Deadline</b>
Individual	June 15, 2022
Small Group	June 15, 2022
Large Group	September 1, 2022

***How will the OVBHCD evaluate the completed ASDR templates?***

The OVBHCD will analyze data submitted on a carrier's ASDRs to determine whether the carrier has demonstrated compliance with the requirements for healthcare innovation promulgated in 18 *Del. C.* § 334 and implemented through new Regulation 1322. The OVBHCD will conduct its evaluation by line of business, recognizing some programs such as those related to value-based payment programs will span across lines of business and therefore may have duplicative information in multiple templates.

The OVBHCD will then evaluate each carrier's compliance with Regulation 1322. Details on the evaluation of carrier-specific compliance with the regulation will be included in the OVBHCD annual report.

Questions concerning this bulletin should be emailed to: [OVBHCD@delaware.gov](mailto:OVBHCD@delaware.gov).

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



Trinidad Navarro  
Delaware Insurance Commissioner