



DOMESTIC/FOREIGN INSURERS BULLETIN NO. 95

TO: ALL HEALTH INSURERS, HEALTH CARE PROVIDERS AND FACILITY BASED PROVIDERS DOING BUSINESS IN DELAWARE

RE: APPLICABILITY OF NETWORK DISCLOSURE AND TRANSPARENCY REGULATIONS TO PHARMACIES

DATED: April 6, 2017

The Department adopted 18 **DE Admin Code** § 1317, Network Disclosure and Transparency, on February 1, 2017 (see 20 **DE Reg.** 645). The purpose of these regulations and the underlying statute is to protect consumers from surprise health care bills that are not covered by the insured's health insurance because the provider is out-of-network, and to avoid creating incentives for providers to be out-of-network.

The Department received a request for clarification concerning whether this regulation applies to pharmacies with regard to their dispensing activities.

The purpose of this Bulletin is to confirm the Department's position that 18 **DE Admin Code** § 1317 and the underlying statute do not apply to the dispensing activities of pharmacies operating outside a facility based setting.

A handwritten signature in blue ink that reads "Trinidad Navarro".

Trinidad Navarro
Insurance Commissioner