



**DOMESTIC AND FOREIGN BULLETIN NO. 157**

**TO: ALL HEALTH INSURERS, HEALTH SERVICE CORPORATIONS, AND  
MANAGED CARE ORGANIZATIONS ISSUING QUALIFIED HEALTH PLANS  
THROUGH THE ACA MARKETPLACE IN THIS STATE**

**RE: GUIDANCE ON RE-FILING OF 2026 RATES IN RESPONSE TO *CITY OF  
COLUMBUS ET AL. V. KENNEDY ET AL.* LITIGATION**

**DATED: September 11, 2025**

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The Delaware Department of Insurance (the “Department”) is issuing this Bulletin to provide guidance to carriers of Qualified Health Plans (QHPs) in response to the U.S. District Court for the District of Maryland’s partial preliminary injunction in *City of Columbus et al. v. Kennedy et al.* The ruling, issued on August 22, 2025, temporarily stays enforcement of several provisions within the federal Marketplace Integrity and Affordability Rule (the “Final Rule”), which may affect previously approved filings for Plan Year 2026.

On September 4, 2025, the U.S. District Court for the District of Maryland granted an extension for the federal government to respond to its motion for a stay of the August 22 preliminary injunction. As a result, the injunction remains in effect, and the provisions of the Final Rule at issue, particularly those related to Actuarial Value (AV) policies, will not be implemented for Plan Year 2026 at this time.

As a result, certain QHPs previously filed for Plan Year 2026 may now be out of compliance with AV standards as they stand under the requirements that existed prior to the Final Rule. To ensure continued compliance, the Department is issuing the following guidance for re-filing affected rate filings.

**Re-Filing Guidance for Qualified Health Plans**

Re-filing will be permitted only for QHPs that are out of compliance with Actuarial Value (AV) standards as a direct result of the federal court’s injunction. Carriers may not submit, and the Department will not consider, revisions beyond those necessary to restore compliance with the AV thresholds in place prior to the current litigation.

All revised filings must be submitted to the Department no later than **Monday, September 22, 2025**. Late submissions will not be accepted.

**Re-Filing Requirements**

All filings must:

- Be submitted through the SERFF system using the same submission type as the original 2026 filing.

- Include the filing description: “**2026 Rate Re-Filing – Litigation Adjustment.**”
- Contain a detailed summary of changes, identifying affected plans and all modifications made.
- Include a certification statement confirming that changes are limited to those necessary for compliance.

### **Permitted updates**

The following updates may be included in the re-filing:

- Adjustments to AV calculations to reflect de minimis ranges consistent with the standards in place prior to the issuance of the Final Rule.
- Revisions to benefit designs, rates, or cost-sharing structures that affect AV compliance, including changes to deductibles, copayments, coinsurance, or out of pocket limits.
- Corrections to form and rate data necessary to maintain alignment with federal QHP certification standards, particularly where filings were based on AV ranges or assumptions reflecting provisions that are currently now under injunction.

### **Optional Plan Withdrawal**

Carriers may choose to withdraw non-compliant plans instead of re-filing, provided that the withdrawal does not result in a failure to meet the required metal level offerings in each county within the carrier’s approved service area. This option allows carriers flexibility while ensuring that consumers continue to have access to a range of coverage options.

The Department will continue to monitor the ongoing litigation and will provide further guidance as necessary.

Questions, comments, or requests for clarification about this Bulletin should be emailed to [compliance@delaware.gov](mailto:compliance@delaware.gov).

This Bulletin shall be effective immediately and shall remain in effect exclusively for **PY26 re-filing**, unless withdrawn or superseded by subsequent law, regulation, or bulletin.

  
Trinidad Navarro  
Delaware Insurance Commissioner

*NOTE: This Bulletin is intended solely for informational purposes. It is not intended to set forth legal rights, duties, or privileges, nor is it intended to provide legal advice. Readers should consult applicable statutes and rules and contact the Delaware Department of Insurance if additional information is needed.*