



DOMESTIC AND FOREIGN INSURERS BULLETIN NO. 138

**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: March 15, 2023

REVISED: March 15, 2024, March 20, 2025, and March 17, 2026

What is the purpose of this Bulletin?

This Bulletin describes the procedures to be used by insurers and other entities subject to Regulation 1322 when completing the 2025 Affordability Standards Data Submission (ASDS) template. Regulation 1322, Requirements for Mandatory Minimum Payment Innovations in Health Insurance (18 DE Admin. Code 1322), became effective on August 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)). This Bulletin provides information on updates to the process for completing and submitting the ASDS template.

Which Carriers Are Required to Complete the ASDS Template?

Any carrier making rate filings for health benefit plans, as defined in 18 *Del. C.* §§ 3342A(a)(3)a. and 3559(a)(3)a. Please note that carriers with fewer than 250 members in a market segment, “expat plans,” and Student Health plans may request a waiver of the data submission completion requirement by completing the [Waiver Request form](#) on the Office of Value Based Health Care Delivery (OVBHCD) website and emailing it to OVBHCD@delaware.gov.

How has the ASDS template been updated?

The Department’s OVBHCD has updated the ASDS template in the following ways:

- Updated the years required for submission and subsequent primary care spend requirements

What is the price growth limit for non-professional services for plan year 2027?

Compliance with Section 7.0 of 1322 dictates that carriers' price trends must not exceed 4.75% for plan year 2027 for each of the following service categories: Inpatient Hospital, Outpatient Hospital, and Other Medical. As there was no CPI available in October 2025 due to the federal government shutdown, this calculation duplicated the federal Consumer Price Index (CPI) reported in August 2025 for the October 2025 reporting period.

What is the Process for Completing and Submitting the ASDS Template?

Carriers must complete the ASDS template annually, for each line of business and submit the completed ASDS template to the OVBHCD as part of their rate filings.

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.

What are the completed ASDS template submission deadlines?

The completed ASDS template submission deadlines are as follows:

Line of Business	Deadline
Individual	June 15, 2026
Small Group	June 15, 2026
Large Group	September 1, 2026

The OVBHCD will 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.

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

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.