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COMMISSIONER



STATE OF DELAWARE
DEPARTMENT OF INSURANCE

**DOMESTIC AND FOREIGN INSURERS BULLETIN NO. 116
PRODUCERS AND ADJUSTERS BULLETIN NO. 32**

**TO: ALL INSURANCE CARRIERS AUTHORIZED TO TRANSACT
BUSINESS IN DELAWARE and ALL LICENSED INSURANCE
PRODUCERS**

**RE: ADDITIONAL GUIDANCE RELATING TO COVID-19
(CORONAVIRUS)**

DATED: March 20, 2020

Beginning on Friday, March 13, 2020 at 8 a.m., Delaware has been under a State of Emergency to prevent the spread of coronavirus (COVID-19) in Delaware. The Department issued guidance to carriers in the form of Domestic and Foreign Insurers Bulletin No. 115, which may be downloaded from the Legal dropdown menu of the Department's website, insurance.delaware.gov.

The purpose of this bulletin is to issue additional guidance to carriers as the situation continues to evolve.

I. Suspension of Cancellations and Nonrenewals

The disruption caused by COVID-19 and the resultant State of Emergency has caused financial hardships on individuals and businesses alike. Many Delaware residents, especially those that work in the hospitality field, have found themselves out of work and without the income necessary to support themselves and their families. It is during trying times like these that the Commissioner is encouraging carriers to accommodate its policyholders in an efficient and compassionate manner. In that respect, the Commissioner hereby requests that all admitted and non-admitted carriers doing business in Delaware suspend cancellations and nonrenewals due to nonpayment of premium during the pendency of the Governor's declared State of Emergency. This request applies to all lines of insurance. Policyholders are encouraged to contact their carriers to discuss their options if they are suffering a hardship as a result of the COVID-19 related restrictions.

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.

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Additionally, all producer licensees are advised to take all necessary actions to ensure their ability to promptly service claims and provide other essential services to insureds affected by the COVID-19 crisis.

II. Telehealth and Telemedicine

With respect to health insurance carriers, the Governor's Updated Emergency Declaration reinforce that:

- Patients do not have to present in-person or before relevant services may be provided;
- Delaware residents do not need to be in Delaware at the time relevant services are provided; and
- Out-of-state providers who would be permitted to provide these services in Delaware if they were licensed under Title 24 may provide telemedicine services to a Delaware resident if they hold an active license in another jurisdiction.

Accordingly, the Department expects carriers who are covering claims under insurance policies to which the telemedicine provision applies to fully reimburse providers who are providing telemedicine services through telehealth in accordance with the law. Since COVID-19 is a communicable disease, some insureds may choose to seek medical advice through these services instead of in-person health care services for any care, including but not limited to symptoms that relate to COVID-19. Accordingly, this provision applies to all telehealth and telemedicine services, not just those provided in connection with the testing and treatment of COVID-19.

III. Waiver of Pre-Authorization Requirements

Early diagnosis and treatment of COVID-19 is imperative to preventing the continued spread of the virus. Prior authorization requirements should not be a barrier to access to diagnosis and treatment. The Department is encouraging carriers to waive all pre-authorization requirements for the lab testing and treatment of confirmed or suspected COVID-19 patients.

IV. Enforcement under Catastrophic Health Coverage Plans

A catastrophic health plan generally may not provide coverage of an essential health benefit before an enrollee meets the plan's deductible. As of the date of this Bulletin, the Department announces that, like the federal Centers for Medicare and Medicaid Services (CMS), the Department will not take enforcement action against any health insurance issuer that amends its catastrophic plans to provide pre-deductible coverage for services associated with the diagnosis and/or treatment of COVID-19. The purpose of this use of the Department's enforcement discretion is to remove barriers and financial disincentives to COVID-19 diagnosis and treatment.

More information regarding COVID-19 may be found in Domestic and Foreign Insurers Bulletin No. 115. Questions concerning this Bulletin should be directed to consumer@delaware.gov.

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

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