

Delaware State Innovation Waiver
 Summary of Comments
 August 2019

Commenter	Summary of Comment	Departments' Response
The American Cancer Society Cancer Action Network (ACS CAN)	ACS CAN supports approval of Delaware's waiver application. A well-designed reinsurance program can help to lower premiums, mitigate plan risk associated with high-cost enrollees, and maintain or increase plan competition. These premium savings could help cancer patients and survivors afford health insurance coverage and may allow some individuals to enroll who previously could not afford coverage. Uninsured individuals are less likely to get screened for cancer and are therefore more likely to have their cancer diagnosed at an advanced stage when survival is less likely and the cost of care more expensive. ACS CAN is pleased the waiver would not require or encourage issuers to alter cost-sharing designs or network coverage, and it would not alter the requirements of coverage under state benefit mandates or under the ACA's required coverages, including the essential health benefits requirement under section 2707 of the Public Health Service Act.	We appreciate the support and have approved the waiver.
The Cystic Fibrosis Foundation	The Cystic Fibrosis Foundation supports approval of Delaware's waiver application. Delaware's reinsurance program will make coverage more affordable and expand plan choice by encouraging insurer participation in the marketplace. People with cystic fibrosis benefit from insurance marketplaces that offer affordable health plans that cover their complex health needs.	We appreciate the support and have approved the waiver.
Joint letter from Advocacy Groups (American Heart Association, American Lung Association, Arthritis Foundation, Epilepsy Foundation,	The advocacy groups support approval of Delaware's waiver application. A strong, robust marketplace is essential for individuals with serious, acute, and chronic health conditions to access comprehensive coverage. Delaware's reinsurance program is an important tool to stabilize the marketplace and help issuers cover high-	We appreciate the support and have approved the waiver.

<p>Hemophilia Federation of America, Leukemia & Lymphoma Society, National Hemophilia Foundation, National Multiple Sclerosis Society, National Organization for Rare Disorders, and National Psoriasis Foundation)</p>	<p>cost claims, which keeps premiums affordable and prevents them from rising. Delaware’s reinsurance program will help people with pre-existing conditions obtain affordable and comprehensive coverage without compromising access to essential health benefits or jeopardizing other important protections.</p>	
<p>Highmark Blue Cross Blue Shield Delaware</p>	<p>Highmark Blue Cross Blue Shield Delaware (Highmark Delaware) supports approval of the Delaware’s waiver application and raises concerns regarding the absence of a plan to mitigate reinsurance program funding shortfalls, the lack of a mechanism to adjust rates to account for uncertainties and funding shortfalls, and the reliance on adjusting reinsurance parameters to fund the program.</p> <p>The amount of state funding for the reinsurance program is directly tied to whether the Federal Health Insurance Providers Fee pursuant to § 9010 of the Affordable Care Act is in effect for any calendar year. The amount of federal pass-through funding for the reinsurance program can also vary year-to-year. Highmark notes that Delaware’s application does not address the likelihood of a funding shortfall, what will be done to stabilize the market should there be a shortfall, or how the state will mitigate the possibility of a funding shortfall.</p> <p>The proposed timeline provides that, in each year, the rates for the following plan year are required to be submitted in June, approved by the state in August, and the reinsurance parameters for that plan year are not expected to be finalized until January 1 of the plan year. Highmark Delaware is concerned that the rates must be set without knowledge of the final</p>	<p>We appreciate the support and have approved the waiver. As provided by the approval letter and corresponding specific terms and conditions (STCs), the state is responsible for ensuring sufficient funds, on an annual or other appropriate basis, for the reinsurance program to operate as described in the waiver application. Delaware has reviewed and agreed to comply with these STCs. We encourage Highmark Delaware to engage directly with the Delaware Department of Health & Social Services to address its concerns regarding specific mitigation strategies to account for a potential funding shortfall.</p>

	<p>reinsurance parameters for the plan year, and which parameters are subject to change during the plan year in the event there is a funding shortfall for the reinsurance program. Rates will depend on the size of the funding pool and the reinsurance parameters.</p> <p>Although Delaware House Bill 193 provides the Delaware Department of Health & Social Services the authority to suspend the reinsurance program if there is not sufficient funding, neither the bill nor the application address rate submission revisions to account for the absence of reinsurance.</p>	
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