



STATE OF DELAWARE
STATE COUNCIL FOR PERSONS WITH DISABILITIES
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The Honorable John Carney
Governor

John McNeal
SCPD Director

MEMORANDUM

DATE: November 30, 2017

TO: Ms. Leslie W. Ledogar, Regulatory Specialist
Department of Insurance

FROM: Ms. Jamie Wolfe, Chairperson
State Council for Persons with Disabilities

RE: 21 DE Reg. 400 [Department of Insurance Proposed Health Insurance Claim Review (11/1/17)]

The SCPD commented on an earlier version of this proposed regulation in September, 2017. The Department of Insurance is now publishing a revised proposed regulation incorporating some amendments prompted by the SCPD's commentary. The revised proposed regulation was published as 21 DE Reg. 400 in the November 1, 2017 issue of the Register of Regulations.

First, the Council recommended that the Department of Justice not be limited to attorneys when providing assistance to persons appealing adverse health insurer substance abuse decisions. The Department agreed and revised the authorization to cover all forms of assistance (not merely legal assistance) and allow non-attorney assistance. At 401.

Second, the Council recommended revising §2.0 to include "the DOJ website address (with description of its substance abuse legal assistance program) in addition to a phone number". The Department agreed and added website and email addresses to multiple sections. Id.

Third, the Council noted that the notice of availability of DOJ assistance was "buried in the boilerplate". The Council recommended revisions to make the notice more prominent. The Department agreed and revised formatting and wording. Id.

Fourth, the Council observed that the notice only disclosed the availability of DOJ assistance with mediation while omitting references in other review process regulatory sections. The Department agreed that DOJ assistance was not limited to mediation and added some conforming revisions. Id.

Fifth, the Council observed that the notice in §4.0 could be misleading since it suggested that DOJ help would only be available if “you are approaching the deadline for filing your appeal”. The Department omitted this language in the revised proposed regulation. Id.

Sixth, the Council recommended revision of notices to highlight that DOJ assistance was “free”. The Department observed that the enabling law is silent in this context and declined to add a reference clarifying that assistance is “free”.

Since the Department has significantly improved the initiative consistent with the SCPD’s earlier commentary, we are reiterating our endorsement without recommending any further changes.

Thank you for your consideration and please contact SCPD if you have any questions regarding our position on the proposed regulation.

cc: Mr. Brian Hartman, Esq.
Governor’s Advisory Council for Exceptional Citizens
Developmental Disabilities Council

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