Delaware Healthcare Association

Wayne A. Smith
President & CEO

January 14, 2022

The Honorable Trinidad Navarro
Commissioner
Delaware Department of Insurance
1007 Orange Street, Suite 1010
Wilmington, DE 19801

Nemours Children's Health, Delaware
Mark Mumford,
Executive Vice President
Chief Executive,
Nemours Delaware
Valley Operations

Bayhealth
Terry Murphy,
President & CEO

Beebe Healthcare
David A. Tam,
MD, MBA,
President & CEO

ChristianaCare
Janice E. Nevin,
MD, MPH
President & CEO

TidalHealth Nanticoke
Penny Short, MSM, BSN,
RN
President & CEO

Saint Francis Healthcare
James Woodward
Acting President

Wilmington Veterans Affairs Medical Center
Vincent Kane
Director

Delaware Healthcare Association
Wayne A. Smith
President & CEO

Dear Commissioner Navarro:

As you know, the Delaware Healthcare Association previously requested relief in April 2020 and June 2020, during the early days of the COVID-19 Pandemic. Our member hospitals and health systems appreciate your past assistance with communicating and supporting the need for relief for Delaware hospitals fighting COVID-19. Given the severity of the current COVID-19 crisis, we once again respectfully request your assistance in directing Delaware health insurance companies to provide immediate relief through this crisis.

With more COVID-19 hospitalizations in Delaware than ever before, our hospitals are running over capacity, placing significant strain on our staff and resources. The current situation is critical and has reached crisis-level.

Specifically, we are requesting a **six month reprieve from the following:**

1. Prior authorization requirements, particularly for patient transfers – While it would be tremendously helpful for payors to waive preauthorization for all services during the pandemic, we specifically request that prior authorizations be waived for transferring patients out of the acute care setting and into post-acute settings, including long term care facilities, Skilled Nursing Facilities (SNFs) and home care. With more COVID-19 patients in our hospitals than ever before, our hospitals are running over capacity and need to move non-acute patients to lower care settings as efficiently as possible to free up bed space for the critically ill. Most payers waived prior authorization requirements for patient transfers at the onset of the Covid-19 pandemic, only to resume them when cases declined. We are now in a crisis where COVID-19 hospitalizations far exceed previous peaks, straining staff and resources. We request that all payors eliminate these requirements for at least six months.

2. Claim submission limits and appeal limits – Given the rapidly changing dynamics around COVID-19 and continual updates in federal and state laws and payor policies, our members need adequate time – 12 months -- to submit claims to ensure they are filed appropriately. DHA also requests that during the State of

Emergency, and through July 2022, providers are permitted six months to appeal a denial. With this, we also need a payment commitment from the insurance company to pay the corrected claim/appeal in no more than 60 days from receipt.

3. Audits, prepayment reviews, recoupment actions, payment suspensions – Payers should abandon for six months these and any other actions that could interfere with the flow of desperately needed funds to pay for ongoing healthcare delivery operations. During this time, we ask that payers focus on reducing backlogs and expedite claim processing for those audits and other reviews currently underway.

4. Requests for itemized bills, medical record requests and other information – Delaware hospitals report recently receiving excessive itemized bill and medical record requests. At the same time, many of our hospitals are having to redeploy hospital finance staff to support patient care operations during the current staffing challenges. Hospitals do not have the staff available to respond to these requests at this time and request a reprieve of at least six months from responding to these requests.

We understand that payers in several neighboring states, including Maryland, have already taken similar measures to provide their hospitals relief during this crisis.

In addition, we are respectfully requesting a six-month delay of enforcement of the No Surprises Act. While the Delaware Healthcare Association supports the goal of the Act, there are numerous administrative challenges included in the rules implementing the requirements of the Act. A delay would ensure that all available hospital resources can continue to focus on our primary mission of providing patient care.

The COVID-19 Pandemic has been anything but predictable. While we are currently seeking six months of relief, we respectfully ask that these policies be extended longer than six months if the state of the Pandemic at that time warrants reinstatement.

We appreciate your attention to this matter and once again respectfully ask for your assistance in achieving immediate relief for hospitals and healthcare workers fighting COVID-19.

Sincerely,



Wayne A. Smith
President & CEO

DHA represents hospitals and health care delivery systems in Delaware and provides policy and advocacy leadership in creating an excellent environment to support our members in helping every Delawarean to be as healthy as they can be.