



June 1, 2020

*Wayne A. Smith
President & CEO*

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

*Alfred I. duPont Hospital
for Children
Jay Greenspan, MD
Interim Chief Executive
of 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*

*Nanticoke Memorial
Hospital
Penny Short, RN, BSN
President & CEO*

*Saint Francis Healthcare
Daniel Sinnott
President & CEO*

*Wilmington Veterans
Affairs Medical Center
Vincent Kane
Director*

*Delaware Healthcare
Association
Wayne A. Smith
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Dear Commissioner Navarro:

On behalf of Delaware's member hospitals and health care delivery systems, the Delaware Healthcare Association (DHA) greatly appreciates your continued advocacy in communicating and supporting the need for relief for Delaware hospitals fighting COVID-19. The response we received from our April letter has allowed Delaware hospitals to effectively and efficiently treat patients and save lives, especially for those who need it most.

As hospitals continue the fight against COVID-19, and transition to a new normal, it is imperative that we continue to support them as they navigate through unfamiliar territory. We respectfully request your assistance once again in seeking relief and assistance from Delaware's health insurers in the following areas:

- Ensuring a smooth resumption of elective procedures surgeries, and appointments for health care providers and the patients they serve;
- Financial relief and assistance for hospitals as they struggle with hundreds of millions of dollars in COVID-19 losses;
- Easing administrative burden during this pandemic;
- Continuing telehealth and telemedicine support; and,
- Supporting the continuation of commercial coverage and the affordability of premiums for all Delawareans.

- 1) **Ensuring a smooth resumption of elective procedures and surgeries** – Delaware's general acute care and pediatric hospitals canceled non-urgent, non-critical services and surgeries in March and are just now beginning to schedule and perform non-critical procedures. As we work to resume these services in the safest possible manner, we need our health insurance partners to assist us with the following:

- a. Coverage of COVID-19 testing prior to procedures and surgeries – As our hospitals resume elective surgeries and procedures, we will be screening and testing patients prior to surgeries to ensure the safety of the patient and our healthcare workers. We request that insurers cover the costs of these COVID-19 tests, even if the patient is asymptomatic, to control the spread of the virus and keep patients and healthcare workers safe.
- b. Availability of insurers to accommodate off-hours requests – In an effort to meet the backlog of cases canceled because of COVID-19 in March, April and much of May, along with meeting the demand of current cases, our health care systems will likely be adding evening and weekend clinic hours. We encourage payors to ensure staff is available to respond to imaging, lab or appointment requests that may happen during off-hours to address the COVID-19 backlog.
- c. Extend existing prior authorizations– Ensure that health care providers do not need to go back and secure another preauthorization by extending prior authorizations already granted prior to COVID-19.

2) **Financial relief and assistance** – Since preparations for COVID-19 began, Delaware’s hospital systems have **lost more than \$5.66 million per day – nearly \$170 million per month**. Federal funding provided by the CARES Act only covers about two weeks of these losses. While the resumption of some non-critical procedures will begin to increase revenues, hospitals are a long way from operating at normal volumes and our members expect significant and sustained losses for the foreseeable future. In order to continue to meet the care needs of COVID-19 and non-COVID-19 patients alike, we need financial relief and assistance from our health insurer partners in the following ways:

- a. Higher payments for COVID-19-related services – As you may be aware, Medicare has increased payments for COVID-19 related patient stays by 20 percent during the public health emergency. We ask that all health plans follow Medicare’s lead and increase payments for COVID-19 related services.
- b. Settle outstanding claims – Insurers should be required to expedite processing of claims for services already rendered that have not been paid, particularly for those occurring prior to the COVID-19 pandemic. Specifically, these would be corrected/adjusted claims that are not being paid timely as well as inappropriate insurance company denials the insurance company has not yet reprocessed. In our April letter, we requested that insurers pay all claims in excess of 60 days for the reason that the insurer should have already received premium payments for these claims. This is a simple request that would be tremendously helpful in restoring cash flow that our hospitals need because of COVID-19.
- c. Expanding Insurance Coverage for Unemployed/Uninsured Delawareans - As other states have done, insurers should work with the Department of Insurance to announce a limited special open enrollment period to help uninsured and unemployed Delawareans receive health coverage while Delaware remains under a State of Emergency.

- 3) **Easing the burden for health care providers** – In our April letter, we raised many proposed improvements that would significantly reduce burden for Delaware hospitals and healthcare workers as they continue to fight COVID-19 on the front lines. We are still seeking assistance in the following much-needed areas:
- a. Waive prior authorizations, particularly for 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 transfers to long term care facilities, Skilled Nursing Facilities (SNFs) and home care. Nearly all of Delaware’s commercial payors have eliminated preauthorization requirements for such transfers during the pandemic, except for Highmark. We request that all payors eliminate this requirement.
 - b. Extend claim submission limits to 12 months and appeal limits to 6 months – Given the rapidly changing dynamics around COVID-19 and continual updates in federal and state laws and payor policies, our members need additional time – 12 months -- to submit claims to ensure they are filed appropriately. We were also disappointed to see that some insurers are only extending appeal deadlines to 90 days. This is not sufficient relief for the magnitude of the pandemic. DHA requests that during the State of Emergency, and through 12/31/2020, providers are permitted to appeal a denial within 6 months from the last adjudication date. 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.
 - c. Immediate cessation of any audits, prepayment reviews, recoupment actions, payment suspensions, and any other actions that could interfere with the flow of desperately needed funds to pay for ongoing healthcare delivery operations.
- 4) **Continuing telehealth and telemedicine support** - COVID-19 has emphasized the importance of telemedicine services in our community, especially for underserved and vulnerable populations. These services allow hospitals bridge gaps and provide care to those who may not otherwise seek it, especially during a pandemic. The expansion of reimbursed telehealth services has been of tremendous benefit to health systems and to the community. We ask for continued support in the following areas:
- a. Continued support for comprehensive coverage and full reimbursement of telehealth visits pursuant to the Governor’s Emergency Order along with the Second and Eighth Modifications, including all telehealth and telemedicine services, not just those provided in connection with the testing and treatment of COVID-19.
 - b. Continued support and coverage for the suspension of rules that require both audio and visual technology to be utilized for telehealth and telemedicine pursuant to the Governor’s tenth State of Emergency modification. And allowing for the continued use of a variety of telehealth platforms including telephones, remote patient monitoring devices, and other electronic means such as web cameras and mobile facetime.
 - c. Telehealth coverage equal to in-office visits, including child well visits – Health care providers have made rapid and significant investments to expand telemedicine capabilities to support continued access to care for insureds.

Delawareans may choose to seek medical care through these services instead of in-person for any type of care, including but not limited to symptoms that relate to COVID-19, and we ask that you support continued coverage equal to in-office visits. It also has come to our attention that some insurers may not be covering child well visits done via telemedicine during COVID-19. Child well visits should be covered the same as in-office visits during this crisis.

- 5) **Extend supports for insureds to continue commercial coverage** - These supports include extended protections against suspension, cancellation or nonrenewal due to nonpayment as outlined in the Governor's Sixth Modification. In light of the economic impact of the pandemic on Delawareans, including high unemployment and business closures, we also ask that you support the continuation of commercial coverage for insureds by using your authority to take actions to ensure the affordability of premiums for the next coverage period, provide expeditious rebates to consumers, and declare a Special Enrollment Period for the Delaware Insurance Exchange. Support for continued commercial coverage will support continued access to care for Delaware's insureds, ensure hospital reimbursement for services, and help reduce the fiscal impact to the State of high Medicaid enrollment.

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

Sincerely,



Wayne A. Smith
President & CEO

