

CALENDAR OF EVENTS/HEARING NOTICES

CALENDAR

May 2020

DELAWARE RIVER BASIN COMMISSION

PUBLIC NOTICE

The Delaware River Basin Commission will hold a public hearing on **Wednesday, May 13, 2020** beginning at **1:30 p.m.** In light of COVID-19 mitigation measures in effect for DRBC member states, the Commission will conduct the public hearing by telephone rather than at the Commission's office building in West Trenton, New Jersey as previously posted. Please check the Commission's website, www.drbc.gov, on or after April 30, 2020 for details regarding the resolutions and draft docket decisions that will be subjects of the public hearing, and information on how to attend and participate in the public hearing by telephone.

The Commission's quarterly business meeting will be held the following month, on **Wednesday, June 10, 2020**, beginning at **10:30 a.m.** Although the Commission has reserved the West Trenton Volunteer Fire Company facility at 40 West Upper Ferry Road, Ewing, NJ 08628 for this meeting, COVID-19 mitigation measures then in effect may compel the Commission to conduct the meeting remotely. Please check the Commission's website, www.drbc.gov, on or after May 27, 2020 to learn whether the meeting format will be in-person or remote, and if the latter, how to attend.

For additional information, please visit the DRBC website at www.drbc.gov or contact Denise McHugh at denise.mchugh@drbc.gov or Patricia Hausler at patricia.hausler@drbc.gov.

DEPARTMENT OF EDUCATION

PUBLIC NOTICE

The State Board of Education will hold its monthly meeting on a date and location to be determined.

DEPARTMENT OF INSURANCE

OFFICE OF THE COMMISSIONER

PUBLIC NOTICE

902 Prohibited Unfair Claim Settlement Practices

Pursuant to the authority conferred by 18 **Delaware Code**, Sections 311 and 2304(16), (17), and (18), the Delaware Department of Insurance (the Department), is proposing to amend Regulation 902 to update and clarify requirements concerning prohibited unfair claim settlement practices. Specifically, the Department is proposing to add new subsection 3.1.14, which includes a failure to promptly settle a claim as required under Regulation 903 as an unfair claim settlement practice. Please see the Department's proposal of amendments to Regulation 903, published in the March 1, 2020 and April 1, 2020 editions of the *Register of Regulations*, that among other things, clarifies what constitutes "prompt payment."

The Department is also taking the opportunity of this proposal to make grammatical and formatting edits throughout the regulation.

The Department does not plan to hold a public hearing on the proposed amendments to Regulation 902. The proposed amendments appear below and may also be viewed at the Department of Insurance website at <http://insurance.delaware.gov/information/proposedregs/>.

Any person may file written comments, suggestions, briefs, and compilations of data or other materials concerning the proposed amendments to the regulation. Any written submission in response to this notice and relevant to the proposed amendments must be received by the Department of Insurance no later than 4:30 p.m. EST, the 1st day of June, 2020. Any such requests should be directed to:

Leslie W. Ledogar, Regulatory Specialist
Delaware Department of Insurance
ATTN: Docket 4259-2020
1351 West North Street, Suite 101
Dover, DE 19904
(302) 674-7379 Email: Leslie.Ledogar@delaware.gov

OFFICE OF THE COMMISSIONER
PUBLIC NOTICE

1319 Arbitration of Disputes Between Carriers and Primary Care and Chronic Care Management Providers

On January 1, 2019, the Delaware Department of Insurance (the Department) adopted Regulation 1319, Arbitration of Disputes between Carriers and Primary Care and Chronic Care Management Providers. The Regulation implements that portion of Senate Bill 227 (as amended by Senate Amendment No. 1 and House Amendment No. 1 as amended by House Amendment No. 1 to House Amendment No. 1 (collectively SB 227)) that requires the Department to “arbitrate disagreements regarding rates under this section” for which the parties involved in the dispute must pay, and to “adopt regulations to implement the requirements of this section no later than 90 days after the effective date of this Act.”

The Insurance Code at 18 **Del.C.** §333(g) and (h) also governs arbitration of disputes between carriers and providers, providing that:

- The Commissioner shall establish a schedule of fees for arbitration, which shall not exceed \$100 per arbitration;
- The arbitrator may award to the health-care provider the cost of filing the arbitration if the health-care provider should prevail;
- The cost of arbitration shall be payable to the Department of Insurance, and shall be maintained in a special fund identified as the “Arbitration Fund,” which shall remain separate and segregated from the General Fund; and
- The compensation paid to the arbitrator shall be payable from the Arbitration Fund.

Regulation 1319 at subsection 4.7.1 does not track the requirements of 18 **Del.C.** §333(g) and (h). Rather, it provides that the arbitrator may charge the parties the cost of the arbitration, which the arbitrator may bill at the arbitrator’s actual time spent and direct expenses incurred to conduct the arbitration and may allocate to each party a percentage of the arbitrator’s costs of conducting the arbitration. Accordingly, the Department proposes to strike this provision and to replace it with language that tracks 18 **Del.C.** §333(g) and (h).

The Department is also making grammatical changes as warranted.

The Delaware Code authority for the proposed amendments is 18 **Del.C.** §§311, 3342B, and 3556A and 29 **Del.C.** §10115.

Any person may file written comments, suggestions, briefs, and compilations of data or other materials concerning the proposed new regulation. Any written submission in response to this notice and relevant to the proposed new regulation must be received by the Department of Insurance no later than 4:30 p.m., June 1, 2020 by mailing to:

Delaware Department of Insurance
Attn.: Leslie W. Ledogar, Esq., Regulatory Specialist
Docket No. 4303-2020
1351 West North St., Ste. 101
Dover, DE 19904

Comments may also be emailed to leslie.ledogar@delaware.gov.

The Department does not plan to hold a public hearing on the proposed amendments to Regulation 1319. The proposed amendments to Regulation 1319 appear below and can also be viewed on the Department’s website at <http://insurance.delaware.gov/information/proposedregs/>.
