Statewide Benefits Office
Benefits Made Easy

Comments Submitted by the Public to the State Employee Benefits Committee

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Ting Guo

Dear Members of the State Employee Benefits Committee,

My name is Ting Guo, and I am writing to submit a public comment regarding plan design incentives, coding transparency, and copay structures within our State group HMO health plan administered by Aetna.

I recently attempted to be a conscientious healthcare consumer by opting for a low-cost, at-home alternative—a home sleep study (procedure code G0399) via BioSerenity using a simple watch-style device—instead of an in-facility study, specifically to save both the plan and myself money. The contracted rate for this test was only $180. However, because the claim was submitted using a Place of Service (POS) code for the patient's home ("12"), Aetna classified it under "other lab," resulting in a $50 copay member responsibility.

While the claim was processed according to existing plan guidelines, this situation highlights key issues in our benefit design:

1. **Misaligned Incentives for Cost-Savings:** State plan members are encouraged to seek lower-cost settings. Yet, because of backend Place of Service coding rules, an at-home diagnostic test ended up carrying the exact same $50 copay as a far more expensive hospital-affiliated facility visit.
2. **Lack of Upfront Transparency:** Plan documents detail copay tiers for preferred labs, freestanding facilities, and hospital-based facilities, but fail to clearly explain how at-home diagnostic testing devices are categorized or how backend POS codes impact member cost-sharing. Advising members to "call ahead" to verify coding is unhelpful when neither the patient nor customer support can predict how a third-party vendor will submit POS codes.

I urge the SEBC to review how at-home and remote diagnostic testing services are classified and copayed under state health plans. Members who actively choose lower-cost, home-based alternatives should not be penalized with higher-tier facility copays due to technical billing codes.

Thank you for your time, your dedication to Delaware state employees and pensioners, and your commitment to improving plan transparency.

Sincerely,

Ting Guo, P.E.

Barbara Philbin

October 30, 2026

Dear Members of the State Employee Benefits Committee,

I am submitting this comment as a follow-up to my October 27 comment and in light of what occurred at the October 26 SEBC meeting.

On October 26, the committee voted 6 to 5 against approving the PBM vendor recommendation. The process that led to that vote was deeply flawed. The committee met in executive session and scheduled a public comment window of just eight minutes — followed by a two-minute vote. The public was asked to comment on a three-year contract affecting tens of thousands of state employees and retirees in a complete information vacuum: no vendor identified, no evaluation criteria shared, no explanation of why one PBM was chosen over another. That is not meaningful public participation. It is the appearance of it. On November 2, the structure is identical. Nothing about the public's access to information has changed.

For November 2, the Chair has changed the legal basis for executive session from § 10002(o)(2) to § 10002(o)(6) of Delaware's Freedom of Information Act. As a practical matter, this moves the committee onto stronger legal ground. It does not move the public onto better-informed ground. The transparency problem that existed on October 26 exists unchanged on November 2.

I also note that the voting language has changed. October 26 called for approval of a single evaluation team recommendation. November 2refers to "PBM RFP Award(s)" — plural. If the committee is now considering splitting the contract or separating Medicare retirees from active workers, that decision will be made in closed session with no public explanation before the vote.

I want to raise a broader concern — one my colleague Steve LePage has also noted separately. How can the public provide meaningful comment on major decisions when it is given no information to understand what is being considered or why? And why does it increasingly appear that important discussions involving public money are being directed toward closed-door proceedings rather than open public discussion?

The PBM procurement is not an isolated example. We are now seeing a similar reluctance to engage openly on revenue questions surrounding the Unclaimed Property program — the same revenue stream the State has directed toward the fund that holds the 1% OPEB contribution for retiree healthcare. The Unclaimed Property Task Force, chaired by Senator Townsend, was established to examine audits, litigation, and financial concerns around

that program. Yet the Secretary of State has sought to have those discussions handled privately rather than in open Task Force meetings — raising the same question we are raising here: why are important discussions involving significant public funds being directed away from open public scrutiny? Public money, public obligations, and yet the tendency is toward closed discussion rather than open public debate. These are not unrelated incidents. They reflect a drift away from the openness and accountability that public confidence in government depends on.

Executive sessions are a lawful tool. They are not meant to be the preferred method for handling any question that is difficult or sensitive. When closed proceedings become the pattern rather than the exception, citizens are left without the information they need to trust that decisions are being made in their interest.

Delaware retirees are not asking for information they are not entitled to. We are asking for the meaningful opportunity to participate that other provisions of Delaware law already guarantee us — before decisions are made, not after contracts are signed. The exemptions that permit executive session tell us what the State may keep confidential. They do not relieve the State of its obligation to give the public enough information to participate meaningfully in decisions of this magnitude.

Respectfully submitted,

Barbara Philbin, SEBC Observer Group

Tom Pledgie

Dear Members of the SEBC:

I wish to thank SEBC Members Lt. Governor Gay, Insurance Commissioner Navarro, Jeff Tascher, Paul Baumbach, Mary Graham, and Bill Oberle for voting NO for the Pharmacy Benefit Management RFP at the SEBC Meeting on October 26, 2026, and thus fulfilling their fiduciary duties to both State Retiree and current employees.

Under the current 29 Delaware Code 6981(d)(3), the whole concept of transparency is lost. How can the Public make informed input without any information about the proposal, PET concerns, or vendors responses? As I recall in the December 2020 PBM procurement, the SEBC publicly presented the recommended vendor and general reasons for the recommendation before voting. Recent legislative changes clearly restrict public inspection of evaluation information. It does not expressly address whether an agency may publicly explain nonconfidential aspects of its recommendation before voting.

Under 29 Del.C. 1004(a)(2)(a) FOIA states clearly "The time for public comment must provide a meaningful opportunity for the public to engage with the public body." How can the public engage if they have no information about the proposals, vendors, evaluation committee reviews, or unanticipated changes that the evaluation committee may have recommended from the original RFP?

I can only assume that the 6 NO votes occurred because the RFP proposal responses were not in fidelity to the needs expressed in the RFP document.

On Monday, if the same conditions continue, then I hope that the six NO votes will continue. Any change of vote from NO to Yes should be explained! Or a new RFP needs to be issued.

The SEBC Board also needs to address how to better "engage" the public in the RFP proposal process, especially in light of the upcoming TPA Medicfill RFP.

Tom Pledgie

Robert Clarkin

PUBLIC COMMENTS FOR THE 11/2/2026 SEBC MEETING SUBMITTED BY ROBERT CLARKIN (10/29/2026)

My take on the PBM PET recommendation(s) train wreck during the 10/26/26 SEBC meeting ……. the SEBC, no doubt with DAG guidance, is standing behind 10002(o)(6) and 6981(d)(3), so what we the public (retiree community) witnessed on Monday, 10/26/26 is what we are going to witness again on 11/2/26 and throughout the TPA vendor selection process - day light on nothing but blind PET recommendation votes. This process, established by HB 428 in 2024, certainly prohibits one from submitting or expressing meaningful written or oral public comments, that in the past were protected by FOIA open meeting law, regarding the PET PBM and TPA vendor recommendations.

Below are my suggestions for getting the train back on track. While 6981(d)(3) states that, "the proposals, proposal summaries, nor any other aspect of the proposal evaluations shall be open for public inspection until after receipt of a signed contract", it is my humble opinion that this language does not prevent the SEBC from, at a minimum, disclosing the names of the vendor(s) awarded a contract(s) when votes are conducted during the 11/2/26 meeting, as well as future TPA contract award meetings. Based upon what occurred during the SEBC meeting on 10/26, the agenda for the special SEBC meeting on 11/2, and the minutes for the PET meeting on 10/14; it appears to me that the SEBC, while not necessarily prohibited by procurement law, does not intend to announce the name(s) of the vendor(s) awarded a contract (to be successfully negotiated). So far, you have identified them as vendor #1 and vendor #4, or not at all. You appear to be holding back the name(s) of the successful vendor(s) until a contract is negotiated and signed, which traditionally takes between 3-6 months. Seems ridiculous to me, as the successful and unsuccessful vendors will certainly be notified about the SEBC's award shortly after the 11/2 meeting (assuming the SEBC can get its act together during the meeting).

A suggested path forward. The PET voted unanimously to recommend the vendor for the EGWP (Medicare Retiree) PBM. The contention appears to revolve around the commercial (active employee and pre-65) PET PBM vendor recommendation. The SEBC decided to combine the PET recommendations into one vote on Monday, 11/26. I would like to suggest to conduct 2 votes on 11/2 - separate EGWP and commercial votes. If the EGWP vote approves a vendor, move on to a separate EGWP PBM contract. If the commercial vote approves a vendor, move on to a combined/separate contract. If the commercial vote fails to approve 1 a vendor, work through that separately through what ever process it takes. I have faith that the members of the PET performed their responsibilities to the very best of their abilities and, consequently (as documented by the minutes of the 10/14/26 PET

meeting), reached unanimous agreement upon of the EGWP PBM recommended vendor. The selection of the EGWP vendor and commencement of contract negotiations should not be held hostage by attempts to select a commercial vendor.

Robert Clarkin Deputy director (Retired) Delaware Department of Labor Division of Employment and Training

Helene Diskau

Dear Members of the SEBC:

This is a request that you do not take a final vote on November 2, 2026 regarding the Pharmacy Benefit Management RFP as the public will not have had time to review your proposed actions

The process which you are using of gathering input after the SEBC has already decided on the outcome is not transparent and makes it very difficult to realize the issues related to this important decision or for the SEBC to receive knowledgeable firsthand input from the public, employees and retirees before making the final decision.

The full SEBC Meeting needs to have an explanation of the discussion and conclusions reached during the executive session. The public, employees and retirees need to be able to review, understand and draw conclusions of the explanations realized in the executive session. A final vote should not be taken on November 2, 2026 as there will have been no time for a meaningful review of your proposed actions.

Thank you,

Helene Diskau, State of Delaware Retiree

Rebecca Scarborough

Dear SEBC Members,

As a long-time SEBC Observer, as well as an observer of the former RHBAS's proceedings, I am disturbed by the posted agenda and eventual outcome of your October 26th meeting. It resulted in what appeared to me to be a hung jury as regards the selection, or should I say, the non-selection, of the State's Pharmacy Benefit Manager vendor(s).

There being no opportunity for the public to have information on the vendor applications, the public was kept in the dark when the opportunity for public comment was given. This total lack of transparency is a concern, even though I realize that certain proprietary information cannot be disclosed.

Since there are serious issues with the vendors' proposals, I trust they will be resolved satisfactorily for the benefit of both the State's

retired and active public servants. If a new RFP needs to be issued, I trust that proposals submitted will honor the needs of Delaware's employees - both retired and active.

In addition, I trust that the charade regarding transparency will be resolved so that future public comment will not have to operate in a vacuum .

Rebecca Scarborough

SEBC Observer

Lynda Hastings

Dear Members of the SEBC:

Executive Summary: You should not be taking a final vote on Nov. 2, when the public has had no time for a meaningful review of your proposed actions in the Pharmacy Benefit Management RFP.

I want to endorse the Public Comments which you have already received from Tom Pledgie about the Pharmacy Benefit Management RFP review process.

The process which you are using flies in the face of the hard-earned improvements which we won to have the SEBC be more transparent to the public and to employees and retirees. These improvements came after the debacle of the last SEBC trying to force retirees into a Medicare "Advantage" plan using a process which was not transparent.

The current SEBC has made the improvement if moving the Public Comment section of your meeting to before you vote on issues, rather than after. However, giving us the opportunity to speak, when we have no idea what actions you are about to vote on is meaningless.

Regardless of the outcome of your executive session on Nov. 2, you need to come out of that session to the full SEBC meeting and explain the issues which you have considered and the conclusions which you have drawn, and why. You need to provide enough information to the public so that we can review it, understand it, and draw our own conclusions about where we stand. We deserve the time to digest what you are proposing to do, and to formulate our support for or objections to your proposed actions. This means that you should not be taking a final vote on Nov. 2, when we have had no time for a meaningful review of your proposed actions.

Thank you,

Lynda Hastings, SOD Retiree

October 29, 2026

Jessica Hanley

Our state employees are in crisis. CVS Caremark is a predatory company inserting themselves into our medical care and causing fatal consequences for the people who make Delaware great, your state employees.

They claim to just not receive prescriptions sent from my doctor. They refused to cover a prescription that works and tell me I need to take a different medication that has already been shown to not work for me.

One example: I have been without my life saving Effexor prescription for 2 weeks now because CVS Caremark refuses to acknowledge the prescription my doctor has sent them. This is a Lindsay Clancy lawsuit against the entire State of Delaware and a national tragedy just waiting to happen.

I have spent 2 hours and 45 minutes so far this week alone on hold with CVS Caremark. When I do get a person on the phone, and ask for a meaningful explanation, they get angry and speak too fast for me to understand them. I tried using the customer service messaging system on their website, but I was just gaslighted, and my specific issues were not addressed. It failed pass my "Did AI write this?" screening.

I am proud to work for Delaware, and I am desperate to maintain hope that we will hand off a better world to my students as they come into their adult lives. CVS Caremark needs to get out of the way. I don't care how you do it, but you are grossly negligent in allowing them to continue.

Thank you,
Jessica

Ellen Scarpitti

Please acknowledge the need for transparency regarding what is in the RFP before you vote or there is. NO. Chance for. Public input prior to any Vote . We made too many Trips to. Dover increase transparency and protect our right to be. Informed.

Ellen Scarpitti

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