

800 Workmen's Compensation

803 Workers' Compensation Data Collection

1.0 Authority

This regulation is adopted and promulgated in accordance with 18 **Del.C.** §311, Delaware Insurance Code; 19 **Del.C.** §2301E, Workmen's Compensation Code; and 29 **Del.C.** Ch. 101, Administrative Procedures Act.

2.0 Purpose

- 2.1 The purpose of this regulation is to implement §2301E of Title 19 regarding workers' compensation data collection. Section 2301E authorizes the Insurance Commissioner and a workers' compensation advisory organization established pursuant to Chapter 26 of Title 18 to gather data enabling them to identify systemic cost drivers and provide objective information to evaluate Delaware's workers' compensation system.
- 2.2 Section 2301E also requires the Insurance Commissioner to appoint a committee to advise the Commissioner on adoption of a standardized data transmission protocol developed by a national workers' compensation organization to facilitate the collection of the data necessary to evaluate Delaware's workers' compensation system.
- 2.3 Section 2301E further requires the Commissioner to adopt rules establishing a standardized data collection protocol, the data elements to be mandated for collection, a schedule for mandatory implementation of the data elements, and sanctions for noncompliance.
- 2.4 This regulation is adopted in accordance with the requirements of §2301E.

3.0 Workers' Compensation Protocol/Data Elements and Implementation.

- 3.1 The Department adopts the National Council on Compensation Insurance's ("NCCI's") medical data collection protocol and data elements as the standard for collection of workers' compensation related medical data in Delaware. Information regarding the NCCI medical data elements and protocol can be found at www.ncci.com.
- 3.2 The process and infrastructure for the collection of medical data pursuant to this protocol shall be developed in consultation with the committee established pursuant to §2301E.
- 3.3 Beginning in the year 2010, carriers shall be required to provide the data elements identified by NCCI.

4.0 Additional Regulations.

The committee established pursuant to §2301E shall continue to advise the Commissioner on the adoption of regulations necessary for the implementation of the collection of data elements as the process of establishing the necessary policies and infrastructure proceeds.

12 DE Reg. 973 (01/01/09)