

DEPARTMENT OF LABOR
DIVISION OF INDUSTRIAL AFFAIRS
OFFICE OF WORKERS' COMPENSATION
Statutory Authority: 19 Delaware Code, Section 2322B(19 Del.C. §§2322B)
19 DE Admin. Code 1341

ERRATA

1341 Workers' Compensation Regulations

*** Please Note:** *The submitted final order for 1341 Workers' Compensation Regulations for the January 2015 issue of the Delaware Register of Regulations erroneously contained an effective date of January 31, 2014. The final regulation was published in the January 2015 issue of the Delaware Register of Regulations (18 DE Reg. 577). The correct effective date is January 31, 2015. The order is reprinted below with the correct effective date.*

ORDER

A public meeting was held on November 24, 2014, by the Department of Labor to receive public comments relating to revised sections of the Fee Schedule Instructions and Guidelines ("Fee Schedule Instructions") to support the significant medical fee schedule changes and cost reductions mandated in House Bill 373. The members of the Workers' Compensation Oversight Panel ("Panel"), signed below, recommend the Secretary of Labor adopt this proposal as it was published in the *Register of Regulations*, Volume 18, Issue 5 (November 2014).

SUMMARY OF THE EVIDENCE AND INFORMATION SUBMITTED

Exhibits Admitted Prior to and During the Public Meeting:

Exhibit 1 - *Delaware State News*, Affidavit of publication of notice of public meeting.

Exhibit 2 - *News Journal*, Affidavit of publication of notice of public meeting.

Exhibit 3 - State of Delaware Public Meeting Calendar electronic posting of today's meeting.

After the Panel concluded with their introductions, the public was invited to share their comments.

No additional comments were received during the public meeting.

The Panel agreed to submit and recommend for adoption by the Delaware Department of Labor the revisions to the Fee Schedule Instructions and Guidelines ("Fee Schedule Instructions").

RECOMMENDED FINDINGS OF FACT WITH RESPECT TO THE EVIDENCE AND INFORMATION

The Panel is persuaded that the proposals are consistent with administering the statutory directives in the workers' compensation law. In 2013, the Administrative Procedures Act changed to extend the public comment period 15 days past the date of the public meeting, which is December 9, 2014. Any further public comment received between November 24, 2014 and December 9, 2014, is included in the attached addendum, along with an e-mail reaffirmation from each Panel member present at the November 24, 2014, public meeting. If no further public comment was received, no addendum will exist.

RECOMMENDATION

The proposals are respectfully submitted to the Secretary of Labor for consideration with a recommendation for adoption this 24th day of November, 2014.

WORKERS' COMPENSATION OVERSIGHT PANEL

A. Richard Heffron, Chair

Barry Bakst, D.O.

John Casey, Jr.

James Downing, M.D.

Christopher Kenny, Esq.

Karen Jacobs, Esq.

Sajjad Savul, M.D.

Wayne Smith

Joseph J. Rhoades, Esq., Vice Chair

Edward Capodanno

N. Lee Dotson

Anthony Frabizzio, Esq.

Samuel Lathem

Bruce Rudin, M.D.

Theresa Smith

Joseph J. Straight, M.D.

DECISION AND EFFECTIVE DATE

Having reviewed and considered the record and recommendations of members of the Workers' Compensation Oversight Panel to adopt revisions of the Fee Schedule Instructions and Guidelines ("Fee Schedule Instructions"), the revisions are hereby adopted by the Delaware Department of Labor and made effective **January 31, 2015**.

TEXT AND CITATION

The proposed Fee Schedule Instructions and Guidelines notice appeared in the *Register of Regulations*, Volume 18, Issue 5 (November 1, 2014). The Fee Schedule Instructions and Guidelines ("Fee Schedule Instructions") are available from the Department of Labor, Division of Industrial Affairs, Office of Workers' Compensation or on the *Register of Regulations* web site at <http://regulations.delaware.gov/register/november2014/proposed/18%20DE%20Reg%20357%2011-01-14.htm> .

DEPARTMENT OF LABOR

John McMahon, Secretary of Labor

18 DE Reg. 609 (02/01/15) (Errata)