

DEPARTMENT OF INSURANCE

Statutory Authority: 18 Delaware Code, Sections 311; 19 Delaware Code, Section 2301E
(18 Del.C. §311; 19 Del.C. §2301E)
18 DE Admin. Code 803

FINAL

ORDER

803 Workers' Compensation Data Collection

Proposed Regulation 803 relating to Workers' Compensation Data Collection was published in the Delaware *Register of Regulations* on November 1, 2008. The comment period remained open until December 1, 2008. There was no public hearing on proposed Regulation 803. Public notice of the proposed Regulation 803 in the *Register of Regulations* was in conformity with Delaware law.

Summary of the Evidence and Information Submitted

No public comment was received as a result of the publication of the proposed regulation for comment.

Findings of Fact

Based on Delaware law and the record in this docket, I make the following findings of fact:

1. 19 Del.C. §2301E of the Delaware Code requires a protocol for the collection of workers' compensation medical cost data.
2. 19 Del.C. §2301E further requires the adoption of rules establishing said protocol.

Decision and Effective Date

Based on the provisions of 18 Del.C. §§311(a) and 1718 and 29 Del.C. §§10113-10118 and the record in this docket, I hereby adopt Regulation 803 as may more fully and at large appear in the version attached hereto to be effective on January 12, 2009.

Text and Citation

The text of proposed Regulation 803 last appeared in the *Register of Regulations* Vol. 12, Issue 5, pages 610-611.

IT IS SO ORDERED this 8th day of December, 2008.

Matthew Denn, Insurance Commissioner

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.

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