

## DEPARTMENT OF INSURANCE

Statutory Authority: 18 Delaware Code, Sections 311; 19 Delaware Code, Section 2322B  
(18 Del.C. §311; 19 Del.C. §2322B)  
18 DE Admin. Code 804

### PROPOSED

### PUBLIC NOTICE

INSURANCE COMMISSIONER MATTHEW DENN hereby gives notice of intent to adopt proposed Department of Insurance **Regulation 804** relating to **WORKERS' COMPENSATION PROVISION OF SERVICES CONTRACTS**. The docket number for the proposed regulation is 1044.

The purpose for proposing Regulation 804 is to require contracts between an employer or insurance carrier and a health care provider for the provision of services to be in writing and to be signed by all parties. The text of the proposed regulation is reproduced in the January 2009 edition of the *Delaware Register of Regulations*. The text can also be viewed at the Delaware Insurance Commissioner's website at: <http://www.delawareinsurance.gov/departments/documents/ProposedRegs/ProposedRegs.shtml>.

The Department of Insurance does not plan to hold a hearing on this proposed regulation. Written comments, suggestions, briefs, compilations of data or other materials concerning the proposed amendments are being solicited from any interested party. Written comments or other written materials concerning the proposed regulation must be received by the Department of Insurance no later than 4:30 p.m., February 2, 2009, and should be addressed to Regulatory Specialist Mitchell G. Crane, Esquire, c/o Delaware Department of Insurance, 841 Silver Lake Boulevard, Dover, DE 19904, or sent by fax to 302.739.2021 or email to [mitch.crane@state.de.us](mailto:mitch.crane@state.de.us).

### **804 Workers' Compensation Provision of Services Contracts**

#### **1.0 Authority**

This regulation is adopted and promulgated in accordance with 18 Del.C. §311, Delaware Insurance Code; 19 Del.C. §2322B, Workmen's Compensation Code; and 29 Del.C. c. 101, Administrative Procedures Act.

#### **2.0 Purpose**

- 2.1 The purpose of this regulation is to implement §2322 of Title 19 regarding workers' compensation medical and other healthcare services. Section 2322 sets forth requirements for the provision, by an employer, of reasonable medical and related services to a disabled employee.
- 2.2 Section 2322B states that a health care payment system shall be developed in order to implement the intent of Section 2322.
- 2.3 This regulation is adopted in accordance with §2322.

#### **3.0 Workers' Compensation Service Contracts.**

Any contract between an employer or insurance carrier and a health care provider for the provision of services under Chapter 23 of Title 19 of the Delaware Code which is authorized by 19 Del.C. §2322(B)(4) must be in writing, signed by the parties thereto, and specifically state that the contract pertains to services provided under Chapter 23 of Title 19 as of May 23, 2008.

#### **4.0 Effective Date**

This regulation shall become effective 30 days after the Commissioner's signature.

12 DE Reg. 920 (01/01/09) (Prop.)