

**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 regulation for 1341 Workers' Compensation Regulations, Section 4.6.3, published in the January 2015 issue of the Delaware Register of Regulations and effective on January 31, 2015, contained a typographical error. Instead of repeating "...CPT Category II and II...", the regulation should read "...CPT Category II and III...". Section 4.6.3 is reprinted below with the correct language as an Errata. The final regulation was published in the January 2015 issue of the Delaware Register of Regulations (18 DE Reg. 577). The effective date remains the same.*

**1341 Workers' Compensation Regulations**

*(Break in Continuity of Sections)*

**4.0     Workers' Compensation Health Care Payment Rates for Physicians, Other Qualified Health Care Professionals, and Hospitals and Hospital Outpatient Facilities, as well as Ambulatory Surgery Centers** (the "Fee Schedule"). Instructions and Guidelines

*(Break in Continuity Within Section)*

**4.6     Hospital Outpatient and Ambulatory Surgical Treatment Methodology**

*(Break in Continuity Within Section)*

**4.6.3     Reimbursement shall be made at the lesser of the maximum allowable or billed charges notwithstanding the contract provision in 19 **Del.C.** §2322B(6). Rules regulating payment of hospital outpatient and ASC fees are primarily from OPPS. Reimbursement for hospital outpatient and ASCs shall be in compliance to The Code of Federal Regulations (CFR) Part 4.19 et seq. Of Title 42. OPPS reimbursement incorporates Ambulatory Payment Classification (APC) groups. Procedure codes (HCPCS Level I and II) are assigned an APC group based on clinical characteristics and cost similarities. CMS assigns relative weights to the APC groups. CPT Category II and III codes may fall in an APC, they are not recognized in the HCPS.**

*(Break in Continuity of Sections)*

**18 DE Reg. 675 (03/01/15) (Errata)**