

## DEPARTMENT OF INSURANCE

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

### PROPOSED

INSURANCE COMMISSIONER MATTHEW DENN hereby gives notice of intent to adopt proposed Department of Insurance Regulation 803 relating to WORKERS' COMPENSATION DATA COLLECTION. The docket number for the proposed regulation is 1006.

The purpose for proposing Regulation 803 is to identify and adopt a protocol and data elements for collection of workers' compensation medical cost data as required by Title 19, Section 2301E of the **Delaware Code**. The text of the proposed regulation is reproduced in the November 2008 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., December 1, 2008, 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).

### 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](http://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.**

- 4.1 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. 610 (11/01/08) (Prop.)**