

**DEPARTMENT OF LABOR  
DIVISION OF INDUSTRIAL AFFAIRS**

Health Care Advisory Panel

Statutory Authority: 19 Delaware Code, Section 202(a) (19 **Del.C.** §202(a))

**PROPOSED**

**PUBLIC NOTICE**

The Secretary of Labor in accordance with 19 **Del.C.** §§ 2322B and E has proposed rules and regulations relating to workers' compensation. These proposals set forth the Fee Schedule Amounts for professional services and hospital fees, and the use of consistent forms for the health care providers.

A public hearing will be held before the Health Care Advisory Panel ("Panel") at 4:00 p.m. on November 5, 2007, in the Department of Labor Fox Valley Annex, 4425 N. Market Street, Wilmington, Delaware 19802 where members of the public can offer comments. Anyone wishing to receive a copy of the proposed rules may obtain a copy from John Kirk, Administrator, Workers' Compensation, Division of Industrial Affairs, Department of Labor, P.O. Box 9828, 4425 N. Market Street, Wilmington, Delaware 19809-0828. Persons wishing to submit written comments may forward these to the Panel at the above address. The final date to receive written comments will be at the public hearing.

The Panel will consider making a recommendation to the Secretary at the regularly scheduled meeting following the public hearing.

**Workers Compensation Regulations**

**1.0 Definitions**

As used in this regulation:

"Department" means the Department of Labor.

"Fee Schedule Amounts" mean the fees as set forth by the Health Care Payment System.

"Health Care Advisory Panel" or "HCAP" means the seventeen (17) members appointed by the Governor by and with the consent of the Senate to carry out the provisions of Chapter 23, Title 19, Delaware Code.

"Health Care Payment System" means the comprehensive fee schedule promulgated by the Health Care Advisory Panel to establish medical payments for both professional and facility fees generated on workers' compensation claims.

"HCAP Forms" means the standard forms for the provision of health care services set forth in Section 2322E, Chapter 23, Title 19, Delaware Code.

**2.0 Purpose and Scope**

2.1 Section 2322B, Chapter 23, Title 19, Delaware Code authorizes and directs the Department within 180 days from the first meeting of the Health Care Advisory Panel to adopt a Health Care Payment System by regulation after promulgation by the Health Care Advisory Panel.

2.2 Section 2322B(c), Chapter 23, Title 19, Delaware Code establishes the formula based upon historical data required to determine the Fee Schedule Amounts for professional services.

2.3 Section 2322B(e), Chapter 23, Title 19, Delaware Code establishes the amount of reimbursement for a procedure, treatment or service to be eighty-five (85%) of the actual charge as of November 1, 2008, if a specific fee is not set forth in the Fee Schedule Amounts.

2.4 Section 2322B (g), Chapter 23, Title 19, Delaware Code establishes separate service categories.

2.5 Section 2322B (h), Chapter 23, Title 19, Delaware Code establishes the Hospital fees developed for the Health Care Payment System.

2.6 Section 2322B (i), Chapter 23, Title 19, Delaware Code establishes the Ambulatory Surgical Treatment Center fees developed for the Health Care Payment System.

2.7 The fees to be established in Sections 2322B (k)(l) and (m) shall be promulgated and recommended by the Health Care Advisory Panel to the Department before the effective date of the regulation.

2.8 Section 2322E, Chapter 23, Section 19, **Delaware Code**, authorizes and directs the Health Care Advisory Panel to approve, propose and recommend to the Department the adoption by regulation of consistent forms for the health care providers ("HCAP Forms").

**11 DE Reg. 458 (10/01/07) (Prop.)**