

DEPARTMENT OF INSURANCE

Statutory Authority: 18 Delaware Code, Sections 314 & 1111 (18 Del.C. §§313, 1111)

PROPOSED

PUBLIC NOTICE

507 Workers' Compensation Insurance Adjusters

INSURANCE COMMISSIONER KAREN WELDIN STEWART, CIR-ML hereby gives notice of intent to adopt Department of Insurance Regulation 507 relating to Workers Compensation Adjusters. The docket number for this proposed amendment is 1457.

The purpose of the proposed Regulation 507 is to delineate licensing and continuing education requirements for adjusters specifically for Workers' Compensation Insurance. The text of the proposed amendment is reproduced in the October 2010 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 public hearing on the proposed changes. Any person can file written comments, suggestions, briefs, compilations of data or other materials concerning the proposed amendments. Any written submission in response to this notice and relevant to the proposed changes must be received by the Department of Insurance no later than 4:00 p.m., Monday, November 1, 2010, and should be addressed to Mitch Crane, Esquire, Delaware Department of Insurance, 841 Silver Lake Boulevard, Dover, DE 19904, or sent by fax to 302.736.7979 or email to mitch.crane@state.de.us.

507 Workers' Compensation Insurance Adjusters

1.0 Purpose

- 1.1 The purpose of this Chapter is to provide rules to assist the Commissioner in administering the laws relating to the licensure and regulation of Workers' Compensation insurance adjusters, as provided for in 18 Del.C. Chapter 17 et. seq.
- 1.2 This regulation should not be viewed as replacing any other or additional statutory requirements not explicitly included in this regulation.

2.0 Scope

This regulation applies to all persons acting as Workers' Compensation insurance adjusters in this state. The Workers' Compensation Insurance adjuster license is to be issued by the Commissioner.

3.0 Definitions.

"Commissioner" means the Commissioner of the Delaware Insurance Department.

"Department" means the Department of Insurance;

"NAIC" means the National Association of Insurance Commissioners;

"Person" means a natural person;

"Workers Compensation insurance adjuster" means any person, who, as an independent contractor, or on behalf of an independent contractor, insurer or self-insurer, producer or managing general agent, investigates and/or negotiates settlement of workers' compensation claims arising under insurance contracts.

4.0 Qualification for the Issuance of a License.

A person shall apply for and receive from the Commissioner a Workers Compensation insurance adjuster license to operate as a workers compensation adjuster in this State. All applications for licensure shall be in accordance with the requirements of 18 Del.C. §§1706 and 1707(1).

5.0 Examination Requirements.

- 5.1 All individuals applying for a workers compensation insurance adjuster license are required to pass the approved proficiency test for workers compensation insurance adjusters.
- 5.2 The Commissioner may enter into a contract with a testing organization for the examination of applicants for a license as a workers compensation insurance adjuster. Such contract may provide that the testing organization shall:
 - 5.2.1 Assume responsibility for the administration and grading of the examination; and
 - 5.2.2 Charge and collect from each applicant the fee for administering the examination.

6.0 Continuing Education Requirement.

- 6.1 An individual, who holds a workers compensation insurance adjuster license shall satisfactorily complete a minimum of twelve (12) hours of continuing education credits, three (3) of which shall be in ethics subjects, during each biennium reporting period. The education required by this section shall be in addition to any other continuing education requirements required for other professional licenses held by the individuals licensed under Chapter 17 of the **Delaware Code**.
- 6.2 Only continuing education courses approved by the Commissioner shall be used to satisfy the continuing education requirement of Paragraph 6.1.

7.0 Effective Date

This Regulation shall take effect 10 days after execution of an Order by the Commissioner and its publication in the *Register of Regulations* or January 1, 2011, whichever shall occur last.

14 DE Reg. 251 (10/01/10) (Prop.)