

**DEPARTMENT OF LABOR**  
**DIVISION OF INDUSTRIAL AFFAIRS**  
**OFFICE OF WORKERS' COMPENSATION**

Statutory Authority: 19 Delaware Code, Section 2322D (19 **Del.C.** §2322 D)

**PROPOSED**

**PUBLIC NOTICE**

**1342 Health Care Provider Certification  
Workers Compensation Regulations**

The Health Care Advisory Panel, in accordance with 19 **Del.C.** §2322D, has proposed a certification process for the Health Care Provider Application for Certification ("Certification"). This proposal sets forth the Certification process and form.

A public hearing will be held before the Health Care Advisory Panel ("Panel") at 4:00 p.m. on April 14, 2008, at the Delaware 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 Certification and form may obtain a copy from John Kirk, Administrator, Delaware Workers' Compensation Division, Department of Labor, P.O. Box 9828, 4425 N. Market Street, Wilmington, DE 19809-9954. Persons wishing to submit written comments may forward these to the Council at the above address. The final date to receive written comments will be at the public hearing.

**1342 Health Care Provider Certification**

**1.0 Definitions**

As used in this regulation:

**"Certification"** means the certification pursuant to 19 **Del.C.** §2322D, required for a Health Care Provider to provide treatment to an employee, pursuant to Delaware's Workers' Compensation Statute.

**"Health Care Provider Application for Certification"** means the Department's approved application form which Health Care Providers must submit to the Department to so that pre-authorization of each health care procedure, office visit or health care service to be provided to the employee is not required.

**"Health Care Providers"** for the purposes of Certification includes physicians, chiropractors and physical therapists providing treatment to an injured worker during his/her period of inpatient or outpatient hospitalization; all other personnel employed by a hospital providing treatment to an injured worker during his/her period of inpatient or outpatient hospitalization are excluded from the Certification process.

**2.0 Certification**

**2.1** Section 2322D, Chapter 23, Title 19, **Delaware Code** authorizes and directs the Department to adopt by regulation complete rules and regulations relating to Health Care Provider Certification within one (1) year after the first meeting of the Health Care Advisory Panel.

**2.2** Section 2322D(a), Chapter 23, Title 19, **Delaware Code** establishes the minimum certification requirement to be certified as a Health Care Provider:

**2.2.1** With regard to the Certification of any hospital facility providing inpatient and/or outpatient services, the person completing and signing the Health Care Provider Application for Certification on behalf of the hospital shall have the authority to do so and must attest to and be responsible for the completion of all of the requirements set forth on the Health Care Provider Application for Certification.

**2.2.2** Services provided by an emergency department of a hospital pursuant to §2322B(h)(3) of Chapter 23, Title 19, **Delaware Code** shall not be subject to the requirement of Certification.

**2.2.3** The provisions of this section shall apply to all treatment of employees provided after the effective date of these rules and regulations regardless of the date of injury.

**2.2.4** Notwithstanding the provisions of §2322D of Chapter 23, Title 19, **Delaware Code**, any health care provider may provide services during one office visit, or other single instance of treatment, without first

having obtained prior authorization from the employer if self insured, or the employer's insurance carrier, and receive reimbursement for reasonable and necessary services directly related to the employee's injury or condition at the health care provider's usual and customary fee, or the maximum allowable fee pursuant to fee schedule adopted pursuant to Section 2322B of Chapter 23, Title 19, **Delaware Code** whichever is less.

2.2.5 The allowance of reimbursement for the employee's first contact with any health care provider for treatment of the injury as described in 3.2.4 is further limited to instances when the health care provider believes in good faith, that the injury or occupational disease was suffered in the course of the employee's employment.

2.3 Completed Certification should be mailed to:

Mr. John F. Kirk, III  
State of Delaware Department of Labor  
Office of Workers' Compensation  
P.O. Box 9954M  
Wilmington, DE 19809-9954

2.4 Instructions and provisions for completing the Certification Form online will be published on the Office of Workers' Compensation website when available.

**11 DE Reg. 1206 (03/01/08) (Prop.)**