

## **Impact of Senate Bill No. 1 on Delaware Employers**

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Substantial changes were made to Delaware's Workers' Compensation Act as a result of the passage of Senate Bill No. 1, which became effective January 17, 2007. This bill addressed the development of five major components related to medical provision changes that went into effect on **5/23/08**. There is a new requirement of the Employer as of **5/23/08** as outlined in item number 1 of 5:

**1. Forms for Health Care Providers and Employers (Section 2322E)** – Effective 5/23/08, health care providers shall complete and submit an employee condition and limitations report "Provider Form" to the employee, the employer and the employer's insurance carrier not later than ten (10) days after the date of first evaluation/treatment and then subsequently to report changes. Within 14 days of the injury notice, employers shall submit a report "Employer Report" that provides health care providers and employer carriers an outline of modified-duty jobs available to the employee

**2. Certification of Health Care Providers (Section 2322D)** - Senate Bill No. 1 also requires that health care providers rendering treatment in the workers' compensation context obtain certification. A treatment provider that is not certified will be paid only for the first instance of treatment unless pre-authorization is obtained

**3. Health Care Payment System/Fee Schedule (Section 2322B)** – Pursuant to mandatory deadlines set forth in Senate Bill No. 1, the fee schedule was adopted at a public hearing conducted 11/14/07, at which time it was decided that the fee schedule would become effective on 5/23/08.

**4. Health Care Practice Guidelines (Section 2322C)** – Under Senate Bill No. 1, the Department of Labor was required to adopt Health Care Practice Guidelines by 5/23/08. The Health Care Practice Guidelines (approximately 150 pages) can be accessed on line at <http://regulations.delaware.gov/register/april2008/index.shtml>

**5. Utilization Review (Section 2322F(j))** – Senate Bill No. 1 also requires implementation of a Utilization Review process for prompt resolution of issues related to treatment and/or compliance with the Health Care Payment System or Practice Guidelines for those claims that have been acknowledged to be compensable. Pursuant to Senate Bill No. 1, the Utilization Review System was required to be implemented by 5/23/08

### **What this law change means to Insurers and Employers**

- The Employer Modified Duty Availability form developed by the state will now be required to be submitted to the health care provider and the insurance carrier within 14 days of receiving a notice of injury. The required form is attached to this communication and will also be available at [www.Travelers.com](http://www.Travelers.com) under claim services, state specific resources for Delaware jurisdiction as well as the state website <http://regulations.delaware.gov/register/april2008/index.shtml>
- The Health Care Provider form developed by the state will now be required to be submitted by the physician to the employer, the employer and the employer's insurance carrier within ten days after the date of first evaluation/treatment and then subsequently to report changes. This form is also attached to this communication and will be available at [www.Travelers.com](http://www.Travelers.com) under Delaware jurisdiction as well as the state website <http://regulations.delaware.gov/register/april2008/index.shtml>
- The DE fee schedule is effective as of 5/23/08 and Travelers systems are prepared to process payment of medical treatment that is causally related to the compensable injury in accordance with the fee schedule
- The Health Care Practice Guidelines and Utilization Review changes from Senate Bill No. 1 will also be handled by Travelers. Travelers has an internal procedure to ensure treatment is in compliance with the state guidelines and to also handle the utilization review process to comply with this new requirement
- Employers and health care providers should submit their DE reports identified above to: Travelers, P.O. Box 17158, Baltimore, MD 21297 or fax the reports to 866-881-6362. You may contact a member of your Travelers wc team by calling 1-800-842-0091.