

Workers' Compensation Task Force  
Weekly Meeting Minutes

April 19, 2013

- I. Members in Attendance: Dr. Russ Ufberg (for Dr. Barry Bakst), Sen. Patti Blevins (present for 1<sup>st</sup> vote only), Rep. Ruth Briggs-King, Edward Capodanno, Victor Clark, Lt. Gov. Matt Denn, Harry Gravell, Jr., George Heckler, Jr., A. Richard Heffron, Sen. Gerald Hocker, Hon. John McMahon, Gene Reed, Joseph Rhoades, Dr. Bruce Rudin, Rep. Bryon Short, Hon. Wayne Smith, Yrene Waldron, Tim Wisecarver. **DOL Staff:** John Kirk, Toni Muncey.
  
- II. Discussion Subjects:
  - a. HCAP report
  - b. Chair's list of issues for consideration (see voting below)
  
- III. Results of Votes:
  - a. Unanimously approved 4/12/13 minutes.
  - b. Freeze inflation-based fee increases for medical providers for a period of two years.
    - i. Vote: 17 in favor, 1 abstained (Wisecarver), 2 absent (Casey, Lathem)
  - c. Change Delaware statute to permit payment of total disability benefits to injured workers for a period of 90 days notwithstanding their performance of light duty in the workplace. This recommendation is subject to provisions to be drafted by task force members designed to ensure that the employee's return to the workplace does not prejudice his or her workers compensation claim.
    - i. Vote: 16 against, 1 abstained (Wisecarver), 3 absent (Blevins, Casey, Lathem)
  - d. Change Delaware statute to require that once an injury is deemed a compensable "lost time" case and an Agreement as to Compensation is entered into by the carrier/employer and the injured worker, the insurance carrier shall send a Modified Duty Availability Report to the employer for completion. The trigger for the Modified Duty Report would no longer be the Physician's Report of Workers' Compensation Injury. Rather, the Agreement becomes the trigger

and the responsibility for sending the form to the employer is placed on the carrier.

- i. Vote: 16 in favor, 1 abstained (Wisecarver), 3 absent (Blevins, Casey, Lathem)
- e. Change 19 Del.C. §2301E to provide that data shall be received quarterly by the Data Collection Committee and transmitted to the Health Care Advisory Panel.
  - i. Vote: 16 in favor, 1 abstained (Wisecarver), 3 absent (Blevins, Case, Lathem)
- f. Recommend 19 Del.C. § 2322B(9) to replace existing statutory formula for reimbursement of ambulatory surgical centers with a fee schedule based reimbursement schedule calculated in a manner similar to that created by Sections 2322B(1) through 2322B(4).
  - i. Vote: 16 in favor, 1 abstained (Wisecarver), 3 absent (Blevins, Casey, Lathem)

IV. Hand-outs:

- a. Issues for Consideration at April 19, 2013 Workers' Compensation Task Force Meeting
- b. Letter from AIA (American Insurance Association)

V. Public Comment:

- a. Oyango Snell – Property Casualty Insurers

**Electronic copies of hand-outs and audio recordings are available on the Lieutenant Governor's website: <http://ltgov.delaware.gov/taskforces/wctf/index.shtml>**