

CHAPTER 94  
FORMERLY  
SENATE BILL NO. 38

AN ACT TO AMEND TITLE 19 OF THE DELAWARE CODE  
RELATING TO WORKERS' COMPENSATION.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF  
DELAWARE:

Section 1. Amend §2322B(5) of Title 19 of the Delaware Code by adding “as of November 1, 2008” at the end of the said section.

Section 2. Amend §2322B(8)(b) of Title 19 of the Delaware Code by deleting the word “year” as it appears between the words “each” and “thereafter” and substituting in lieu thereof the word “January.”

Section 3. Amend §2322B(9)(b) of Title 19 of the Delaware Code by deleting the word “year” as it appears between the words “each” and substituting in lieu thereof the word “January.”

Section 4. Amend §2322B(14) of Title 19 of the Delaware Code by deleting the word “year” as it appears between the word “each” and “thereafter” and substituting in lieu thereof the word “January.”

Section 5. Amend §2322E(b) of Title 19 of the Delaware Code by striking the phrase “Every health care provider who evaluates or treats an employee” and substituting the phrase “The health care provider most responsible for the treatment of the employee’s work-related injury” at the beginning of the section.

Section 6. Amend §2322E(d) of Title 19 of the Delaware Code by adding at the end of the section “The health care provider portion of the Employer’s Modified Duty Availability Report must be signed and returned by the health care provider within 14 days of the next date of service after receipt of the Form from the Employer, but not later than 21 days from the health care provider’s receipt of such Form.”

Section 7. Amend §2322F(h) of Title 19 of the Delaware Code by inserting the sentence “Any such referral to utilization review shall be made within 15 days of denial.” after the phrase “it shall be referred to utilization review.”

Section 8. Amend §2322F(j) of Title 19 of the Delaware Code by deleting the word “register” as found after the phrase “Any person conducting a utilization review program for workers’ compensation shall be required to”, and by substituting in lieu thereof, the word “contract”.

Approved July 06, 2009