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DELAWARE

Workers' Compensation

Key Forms and Dates

**State of Delaware
Workers' Compensation
Key Forms and Dates**

1. First Report of Injury (Exhibit 1)
 - Filed by Employer within 10 days of notice of an alleged work related injury.
 - Filed regardless of whether the employee subsequently makes a claim.
 - Not to be used as evidence at a hearing.
 - Claims must be acknowledged or denied in writing within 15 days of notice of the claim.
2. Agreement as to Compensation (Exhibit 2)
 - Required to be filed when any benefits have been paid – medical or indemnity.
 - Official acknowledgement of a compensable injury
 - Sets AWW and Compensation Rate
3. Agreement for Compensation For Death (Exhibit 3)
 - Must be filed when benefits are sought by dependents following a compensable work-related death claim.
4. Receipt for Compensation Paid (Exhibit 4)
 - Must have a signed receipt to stop paying temporary total or partial disability benefits.
 - Filed with the Agreement for lump sum benefits such as permanent impairment.
5. Physician's Report of Worker's Compensation Injury (Exhibit 5)
 - Form completed by the claimant's treating doctor(s) noting diagnosis, treatment rendered and plan, and disability or work capabilities.
 - Must be completed on initial presentation and thereafter upon a material change in the claimant's condition which impacts work capability. In addition, a report must be provided on discharge of the patient.
 - Physician paid a straight \$30 report fee for completing these forms (not subject to the fee schedule).
 - Physician subject to a fine for failure to complete and submit these forms.
 - Must be submitted to the employee, employer and carrier, not later than 10 days after the initial visit.
6. Employer's Modified Duty Availability Report (Exhibit 6)
 - Following issuance of "Agreement as to Compensation" for total disability benefits, the employer must provide this completed form to the doctor and employer's insurance carrier within 14 days. Provider must then return the completed form within 21 days from receipt.
 - Insurance carrier is responsible for sending this form to the employer and the completed form to the doctor.
7. Request for Utilization Review (Exhibit 7)
 - Must be filed in order to challenge treatment subject to the Health Care

Practice Guidelines in an acknowledged claim.

- UR not required if the denial is based on causal relationship.
- Carrier must deny or pay a compensable bill within 30 days.
- Carrier has 15 days from the date of denial to file the UR with the DOL.
- Either party may appeal the UR decision 45 days from receipt of UR Determination.

8. Pharmacy Justification Form (Exhibit 8)

- Doctor must complete this form with the prescription to dispense non-preferred/brand name drug or medication per 19 DE Admin. Code 1342, Section 4.13.

9. Stipulation and Petition for Commutation of Benefits (Exhibit 9)

- Filed together with a stipulation and order for Board approval of lump sum or full and final settlements.
- Attach Medicare Set Aside analysis and any annuity plans, if applicable.
- Claimant's attorney must include fee agreement and disbursement sheet.

10. Request for Copy of Industrial Accident Board file (Exhibit 10)

11. Petitions (Collectively Exhibit 11)

- Petition to Determine Compensation Due (DCD)
 - Initial petition filed by Claimant for compensability.
 - Filed with a Statement of Facts detailing the alleged accident and injuries.
 - Hearings to be held within 120 days of the Pretrial Conference.
- Petition to Determine Compensation Due to Dependents of Deceased Employee
- Petition to Determine Additional Compensation Due (DACD)
 - Petition filed after claim determined compensable for any subsequent benefits - i.e. recurrence of TTD, denied treatment, permanency benefits.
 - Hearings held within 180 days of the Pretrial Conference.
- Petition to Determine Disfigurement
 - Used for hearing to view scarring claim.
 - Hearings scheduled on motion days.
- Petition to Review Compensation Agreement
 - Also referred to as Termination Petition.
 - Used by carrier to terminate wage loss benefits or review an Agreement.
 - Cannot be filed more often than once every six months.
 - Hearings held within 120 days of the Pretrial Conference.
- Petition to Appeal a Utilization Review
 - Filed by either party within 45 days of receipt of UR.

12. Agreement by Executive Officer(s)/LLC Member(s) not to be subject to the Delaware Workers' Compensation Law. (Exhibit 12)

Most forms available in “fillable” PDF format on the Department of Industrial Affairs’ web site: <https://dia.delawareworks.com/workers-comp/forms.php> and <https://dowc.optum.com/info.asp?page=forms>

Exhibit 1

ALL COPIES OF THIS FIRST REPORT MUST BE TYPED OR PRINTED

Department of Labor
Office of Workers' Compensation (OWC)
4425 N. Market Street
Wilmington, DE 19802
Telephone 302-761-8200

**STATE OF DELAWARE
FIRST REPORT
OF OCCUPATIONAL INJURY OR DISEASE**

OWC Case File No.

ALL INFORMATION IS REQUIRED, unless not applicable where "if applicable" is noted.

1. EMPLOYEE: FIRST MIDDLE LAST			2. EMPLOYEE SOCIAL SECURITY NO.		
3. ADDRESS – INCLUDE COUNTY AND ZIP CODE			4. MALE <input type="checkbox"/> FEMALE <input type="checkbox"/>	5. EMPLOYEE PHONE NUMBER (INCLUDING AREA CODE)	
6. DATE OF BIRTH / /	7. AGE	8. WAGE	9. WEEKLY HOURS WORKED		
10. OCCUPATION (REGULAR)		11. DEPARTMENT OR DIVISION REGULARLY EMPLOYED		12. HOW LONG EMPLOYED	
13. EMPLOYER:			14. PERSON MAKING OUT THIS REPORT		
15. ADDRESS – INCLUDE COUNTY AND ZIP CODE			16. EMPLOYER PHONE # (INCLUDE AREA CODE)		
17. MAILING ADDRESS – IF DIFFERENT THAN ABOVE			18. NATURE OF BUSINESS – TYPE OF MFG., TRADE, CONSTRUCTION, SERVICE, ETC.		
19. WORKERS' COMPENSATION INSURANCE CARRIER			20. WORKERS' COMP. INS. CARRIER PHONE #, (INCLUDING AREA CODE)		
21. WORKERS' COMP. INSURANCE CARRIER ADDRESS			22. POLICY NUMBER / CARRIER CASE NUMBER: /		
23. THIRD PARTY ADMINISTRATOR (TPA), IF APPLICABLE		24. TPA ADDRESS – INCLUDE CITY STATE AND ZIPCODE			
DATES:		27. NORMAL STARTING TIME <input type="checkbox"/> AM <input type="checkbox"/> PM		28. IF EMPLOYEE BACK TO WORK GIVE DATE / /	
25. DATE OF REPORT / /	26. DATE OF INJURY / /		29. AT SAME WAGE? YES <input type="checkbox"/> NO <input type="checkbox"/>		
30. IF FATAL INJURY, GIVE DATE OF DEATH / /	31. DATE EMPLOYER KNEW OF INJURY / /		32. DATE DISABILITY BEGAN / /		33. LAST FULL DAY PAID-DATE / /
INJURY OR DISEASE:					
34. DESCRIBE THE INJURY/ILLNESS AND PART OF BODY AFFECTED.					
35. SPECIFY THE DEPARTMENT WHERE INCIDENT OCCURRED AND THE WORK PROCESS INVOLVED.					
OCCURRENCE:					
36. LIST THE EQUIPMENT, MATERIALS, AND CHEMICALS EMPLOYEE USED WHEN THE INCIDENT OCCURRED, E.G. ACETYLENE.					
37. DESCRIBE THE EMPLOYEE'S ACTIVITY AT THE TIME OF INJURY OR ILLNESS, E.G. LIFTING A PATIENT.					
38. DESCRIBE HOW THE INJURY/ILLNESS OCCURRED.					
39. NAME OF PHYSICIAN (IF APPLICABLE)			40. PHYSICIAN'S ADDRESS		
41. HOSPITAL (IF APPLICABLE)			42. HOSPITAL ADDRESS		

DISTRIBUTION OF THIS REPORT (1 original and 3 copies)

- 1. ORIGINAL MUST BE SENT IMMEDIATELY TO THE WORKERS' COMPENSATION INSURANCE CARRIER.**
- 2. COPY TO THE OFFICE OF WORKERS' COMPENSATION (use the address at the top left of this form)**
- 3. EMPLOYER'S COPY – RETAIN AS RECORD**
- 4. EMPLOYEE'S COPY**

WORKERS' COMPENSATION

IMPORTANT THINGS TO DO IN CASE OF INJURY

THE EMPLOYER SHOULD:

1. Provide all necessary medical, surgical and hospital treatment from the date of accident.
2. Every employer shall keep a record of all injuries received by employees and make a report within 10 days thereof in writing to the Office of Workers' Compensation.
3. Ascertain the average weekly wages of the employee and provide compensation in accordance with the provisions of the law, for disability *beyond the third day* after the accident. All agreements as to compensation must be submitted to the Office of Workers' Compensation for approval.

THE EMPLOYEE SHOULD:

1. Immediately notify the employer in writing of accidental injury or occupational disease and request medical services. Failure to give notice or to accept medical services may deprive the employee of the right to compensation.
2. Give promptly to the employer, directly or through a supervisor, notice of any claim for compensation for the period of disability beyond the third day after the accident. In case of fatal injuries, notice must be given by one or more dependents of the deceased or by a person on their behalf.
3. In case of failure to reach an agreement with the employer in regard to compensation under the law, file application with the Industrial Accident Board for a hearing on the matters at issue within two years of the date of accidental injury or one year of knowledge of the diagnosis of an occupational disease or an ionizing radiation injury. All forms can be obtained from the Office of Workers' Compensation.

Exhibit 2



CASE FILE NO. _____

CARRIER FILE NO. _____

STATE OF DELAWARE
OFFICE OF WORKERS' COMPENSATION
AGREEMENT AS TO COMPENSATION PAID

Employee _____ Employer _____

Address _____ Address _____

Insurance Carrier/Self-insurer _____

Third party adjuster _____

Address _____

Address _____

The above have reached an agreement in regard to compensation for the injury sustained by said employee and submit the following statement of facts relative thereto:

Date of Injury _____ Date Disability Began _____

Cause/Place of Accident _____

Nature/Part of Body _____

Probable Length of Disability (if known) _____

The terms of this agreement under the above facts are as follows:

This agreement is for (check all that apply) _____ Total Disability _____ Temporary Partial Disability
_____ Permanent Partial Disability _____ Disfigurement _____ Commutation _____ Medical Only
_____ Salary in Lieu of Workers' Compensation

That the said _____ shall receive compensation at the rate of
\$ _____ per week based upon an average weekly wage of \$ _____ and that said compensation shall be
payable _____ weekly _____ bi-weekly _____ monthly _____ other (specify) from and including the _____ day of
_____ month _____ year until terminated in accordance with the provisions of the Workers' Compensation

BENEFITS FOR TOTAL/PARTIAL DISABILITY, (LOST WAGES) SHALL REQUIRE YOU TO ADVISE THE NAMED CARRIER/SELF-INSURER/THIRD PARTY ADJUSTER OF ANY CHANGES IN EMPLOYMENT STATUS AND/OR DISABILITY. FAILURE TO NOTIFY A CHANGE IN STATUS IS PUNISHABLE PURSUANT TO TITLE 18, DELAWARE CODE, CHAPTER 24, AND/OR TITLE II, DELAWARE CODE, SECTION 913.

Witness _____
(signature)

Employee _____
(signature)

Address _____

Adjuster/Attorney _____
(signature)

Phone number _____

Date of agreement _____

PURSUANT TO 19 DEL. C. §2322E(d), THE “EMPLOYER’S MODIFIED DUTY AVAILABILITY REPORT” SHALL ACCOMPANY THIS AGREEMENT AND THE COMPLETED REPORT SHALL BE FORWARDED TO THE HEALTHCARE PROVIDER/PHYSICIAN MOST RESPONSIBLE FOR TREATMENT WITHIN 14 DAYS. THE INSURANCE CARRIER FOR AN INSURED EMPLOYER SHALL BE INDEPENDENTLY RESPONSIBLE FOR PROVIDING A COMPLETED REPORT OF MODIFIED-DUTY JOBS TO THE PROVIDER/PHYSICIAN.

For Accounting Use Only:

Approved by _____

Date of Approval _____

Exhibit 3

INDUSTRIAL ACCIDENT BOARD

State of Delaware

AGREEMENT FOR COMPENSATION FOR DEATH

(Memorandum of this Agreement must be filed with the Board)
(SECTION 107)

We the undersigned, being all the dependents who are entitled to compensation on account of the death of

_____ from a personal injury sustained by him or her by an accident arising out of and in the course of his or her employment and

_____ in whose service the said _____ was employed at the time of said injury, have reached an agreement in regard to the compensation to be paid by said employer.

Date of accident _____

Place of accident _____

Cause of injury _____

Nature of injury _____

Date of Death _____

The terms of the agreement under the above facts are as follows:

That the compensation payable shall be at the rate of \$_____ per week, based upon an average weekly wage of \$_____ at the time of said injury and shall be paid from the _____ day of _____, 20____, until terminated, to the following person, or persons, or their legal representative, in accordance with the provisions of the "Delaware Workmen's Compensation Law of 1917," as amended and in the amount herein designated.

_____	\$ _____ per week
_____	\$ _____ per week
_____	\$ _____ per week
_____	\$ _____ per week
_____	\$ _____ per week

Dated this _____ day of _____, 20_____.

Witness: _____

Signature of Dependents

Signature of Employer

By _____

Authorized Agent

Exhibit 4



CASE FILE NO. _____

CARRIER FILE NO. _____

STATE OF DELAWARE
OFFICE OF WORKERS' COMPENSATION
RECEIPT OF COMPENSATION PAID

DATE _____

Received of _____
(Insurance Carrier/Self-Insurer/Third Party Adjuster)

the sum of \$ _____, making in all the total sum of \$ _____

in settlement of compensation due for the _____ disability of
(type)

_____ which began
(employee name)

on _____, and terminated on _____.
(date) (date)

Employee Signature

Address

Your signature on this receipt will terminate your rights to receive the worker's compensation benefits specified above on the date indicated. This form is not a release of the employer's or the insurance carrier's workers' compensation liability. It is merely a receipt of compensation paid. The claimant has the right within five years after the date of the last payment to petition the Office of Workers' Compensation for additional benefits.

Exhibit 5

**PHYSICIAN'S FORM
INSTRUCTIONS/DEFINITIONS**

The use of this form is required by the Delaware Workers' Compensation Statute, 19 Del.C. §2322E, to report all information specific to this workers' compensation injury. In the event the physician electronically generates this information, the physician's submission is required to contain all information specific to this workers' compensation injury as set forth in the Physician's Form.

Complete all applicable fields. Your office notes and records do not replace this form.

1. **Report Type:** Check "Initial" if this is the first visit related to this described injury. Check "Progress" when there has been any material change in the injured employee's physical capability which impacts the employee's return to work status. Check "Closing" if: injured worker is discharged from care.
2. **Case Information:**
 - ◆ **Injured Worker's Name:** Name of the injured worker.
 - ◆ **Date of Birth:** The injured worker's date of birth.
 - ◆ **Date of Injury:** Date of this injury.
 - ◆ **Exam Date:** Date of office visit if applicable.
 - ◆ **Physician's Phone/Fax:** The telephone and fax numbers of the physician completing this form.
 - ◆ **Employer Name:** The name of the employer associated with the claim.
 - ◆ **Employer Phone/Fax:** The telephone and fax numbers of the employer.
 - ◆ **Insurer Name:** The name of the insurance carrier associated with the claim, if known.
 - ◆ **Insurer Claim #:** The claim number assigned by the insurance carrier or self-insured employer, if known.
 - ◆ **Insurer Phone/Fax:** The telephone and fax numbers of the insurance carrier associated with the claim, if known.
3. **Initial Visit:** Relate in injured worker's words description of accident/injury.
4. **Work Related Medical Diagnosis(es):** State the injured worker's work related medical diagnosis(es).
5. **Treatment Plan:** Complete all applicable portions regarding treatment. Indicate frequency and duration.
 - ◆ **Diagnostic tools/tests:** EMG, MRI, CT-scan, etc.
 - ◆ **Procedures:** Any medical procedure including surgical procedures, castings, etc.
 - ◆ **Therapy:** Physical therapy, occupational therapy, home exercise, etc., including plan specifications.
 - ◆ **Medications:** Antibiotics, analgesics, anti-inflammatory drugs, etc.
 - ◆ **Other:** Any treatment not covered above.
6. **Hours Per Day Patient Can Work:** Circle the number of hours applicable to this patient.
7. **D.O.T. Classification of Work:** Circle the classification of work applicable to this patient.
8. **Work Postures/Positional Tolerances:** Comment as appropriate in the space provided regarding the patient's abilities/limitations for the postures/positions listed.
9. **Comments:** To be used to explain/clarify any information required by this form.
10. **Restrictions:** Check applicable category.
11. **Return to Work:** Provide regular duty/modified duty start date.
12. **Reevaluation Date:** Provide date of next evaluation.
13. **Physician Information:** Type or print the name of the physician and circle "yes" or "no" as to whether the physician is a Certified Provider. The health care provider most responsible for the treatment of the employee's work-related injury must sign and date the report.

The health care provider most responsible for the treatment of the employee's work-related injury shall complete and submit, as expeditiously as possible and not later than 10 days after the date of first evaluation or treatment, a report of employee condition and limitations, on a form adopted for that purpose pursuant to this section, and shall expeditiously provide copies of the report of employee condition and limitations to the employee, the employer and the employer's insurance carrier, if applicable, as required by 19 Del. C. §2322E(b).

DELAWARE WORKERS' COMPENSATION
PHYSICIAN'S REPORT OF WORKER'S COMPENSATION INJURY
A COPY OF THIS REPORT MUST BE SENT TO THE INJURED WORKER, EMPLOYER AND THE INSURER

REPORT TYPE ___ Initial ___ Progress ___ Closing

WORKER'S NAME _____

DOB _____	Employer Name _____
Date of Injury _____	Employer Phone/Fax _____
EXAM DATE _____	Insurer Name _____
Physician's Phone/Fax _____	Insurer Claim No. _____
	Insurer Phone/Fax _____

INITIAL VISIT ONLY
Injured worker's description of accident/injury _____

WORK RELATED MEDICAL DIAGNOSIS (ES) _____

TREATMENT PLAN:
Diagnostic Tests _____
Procedures _____
Therapy _____
Medications _____

Hrs. per day patient can work: (circle one) 8 6 4 2 0

D.O.T. Classification of Work (Circle one)

- Sedentary Exerting up to 10 lbs. of force *occasionally* and/or a negligible amount of force *frequently* to lift, carry, push, pull or otherwise move objects, including the human body. Sedentary work involves sitting most of the time, but may involve walking or standing for brief periods of time.
- Light Exerting up to 20 lbs. of force *occasionally* and/or up to 10 lbs. of force *frequently* and/or negligible amount of force *constantly* to move objects. Physical demand requirements are in excess of those for Sedentary Work.
- Medium Exerting 20 to 50 lbs. of force *occasionally* and/or 10 to 25 lbs. of force *frequently* and or greater than negligible up to 10 lbs. of force *constantly* to move objects. Physical Demand requirements are in excess of those for Light Work.
- Heavy Exerting 50 to 100 lbs. of force *occasionally* and/or 25 to 50 lbs. of force *frequently* and/or 10 to 20 lbs. of force *constantly* to move objects. Physical Demand requirements are in excess of those for Medium Work.
- Very Heavy Exerting in excess of 100 lbs. of force *occasionally* and/or in excess of 50 lbs. of force *frequently* and/or in excess of 20 lbs. of force *constantly* to move objects. Physical Demand requirements are in excess of those for Heavy Work.

Definitions:
Occasionally: activity or condition exists up to 1/3 of the time
Frequently: activity or condition exists from 1/3 to 2/3 of the time
Constantly: activity or condition exists 2/3 or more of the time

Work Postures/Positional tolerances: Comment **as appropriate** in the space provided regarding the patient's abilities/limitations for the following

Postures/Positions. (e.g. Sitting: No more than 30 minutes continuously)

Sitting: _____	Squatting: _____
Standing: _____	Crawling: _____
Walking: _____	Climbing: _____
Driving: _____	Repeated arm motions: _____
Bending: _____	Repetitive use of wrist/hands: _____
Turn/Twist: _____	Reaching up above shoulder: _____
Kneeling: _____	Foot controls: _____

Comments: _____

Above safe work capacities are: temporary _____ permanent _____ anticipate full duty release _____
Return to work modified duty start date: _____

RELEASE TO FULL DUTY WITH NO RESTRICTIONS (Please Circle) YES (Start date _____) NO

Physician Signature: _____ Date: _____

Physician Name: (Please print) _____ Certified Provider:: YES NO

Exhibit 6

EMPLOYER'S FORM INSTRUCTIONS/DEFINITIONS

The use of this form is required by the Delaware Workers' Compensation Statute, 19 Del.C. §2322E, to report all information specific to this workers' compensation injury.

Complete all applicable fields.

1. Case Information:

Employer Name: The name of the employer associated with the claim.

Employee Name: Name of the injured worker.

Modification Duty Information: Complete all applicable fields

Employer Fax: The telephone and fax numbers of the employer.

Job Title: Provide job title for position available.

Job Description: Provide description of physical requirements of job duties for position available.

Environment/Working Conditions: Identify any environmental factors relevant to position available.

2. **Hours Per Day Job Available:** Circle the number of hours applicable.

3. **Additional Information:** Circle the applicable work status categories for the position available, and comment as appropriate in the space provided regarding the work postures/positional requirements for the modified duty job available.

4. **Employer:** Provide job availability date.

5. **Comments:** To be used to explain/clarify any information required by this form.

6. **Employer Information:** The person responsible for completing this form on behalf of the employer must sign and date this form.

WITHIN 14 DAYS OF THE ISSUANCE OF AN "AGREEMENT AS TO COMPENSATION" PAYABLE TO AN EMPLOYEE FOR ANY PERIOD OF TOTAL DISABILITY, THE EMPLOYER SHALL PROVIDE THIS FORM TO THE HEALTH CARE PROVIDER/PHYSICIAN MOST RESPONSIBLE FOR THE TREATMENT OF THE EMPLOYEE'S WORK-RELATED INJURY, AND TO THE EMPLOYER'S INSURANCE CARRIER, IF APPLICABLE. THE INSURANCE CARRIER FOR AN INSURED EMPLOYER SHALL SEND TO SUCH EMPLOYER THE AFOREMENTIONED REPORT FOR COMPLETION, AND SHALL BE INDEPENDENTLY RESPONSIBLE FOR PROVIDING A COMPLETED REPORT OF MODIFIED DUTY JOBS TO THE HEALTH CARE PROVIDER/PHYSICIAN, AS REQUIRED BY 19 Del. C. §2322E(d).

IF THE "PHYSICIAN'S REPORT OF WORKERS' COMPENSATION INJURY" RELEASES THE EMPLOYEE TO FULL DUTY, DO NOT COMPLETE THIS FORM.

THE HEALTH CARE PROVIDER/PHYSICIAN MUST COMPLETE HIS/HER PORTION OF THIS FORM AND SIGN AND RETURN IT TO THE EMPLOYER WITHIN FOURTEEN (14) DAYS OF THE NEXT DATE OF SERVICE AFTER THE PHYSICIAN'S RECEIPT OF THE FORM FROM THE EMPLOYER, BUT NOT LATER THAN TWENTY-ONE (21) DAYS FROM THE PHYSICIAN'S RECEIPT OF SUCH FORM.

DELAWARE WORKERS' COMPENSATION
EMPLOYER'S MODIFIED DUTY AVAILABILITY REPORT

CARRIER/TPA WC #: _____ DATE: _____

EMPLOYER: _____ FAX#: _____

EMPLOYEE: _____ IS MODIFIED DUTY AVAILABLE: ____ Yes ____ No

IF AVAILABLE, FOR WHAT PERIOD OF TIME: ____ Weeks ____ Indefinite

JOB TITLE: _____ JOB DESCRIPTION: _____

ENVIRONMENT/WORKING CONDITIONS (e.g., Temperature): _____

Hrs. per day job available: (circle minimum and maximum) 8 6 4 2 0

D.O.T. Classification of Work (Circle one)

- Sedentary** Exerting up to 10 lbs. of force occasionally and/or a negligible amount of force frequently to lift, carry, push, pull or otherwise move objects, including the human body. Sedentary work involves sitting most of the time, but may involve walking or standing for brief periods of time.
- Light** Exerting up to 20 lbs. of force occasionally and/or up to 10 lbs. of force frequently and/or negligible amount of force constantly to move objects. Physical demand requirements are in excess of those for Sedentary Work.
- Medium** Exerting 20 to 50 lbs. of force occasionally and/or 10 to 25 lbs. of force frequently and or greater than negligible up to 10 lbs. of force constantly to move objects. Physical Demand requirements are in excess of those for Light Work.
- Heavy** Exerting 50 to 100 lbs. of force occasionally and/or 25 to 50 lbs. of force frequently and/or 10 to 20 lbs. of force constantly to move objects. Physical Demand requirements are in excess of those for Medium Work.
- Very Heavy** Exerting in excess of 100 lbs. of force occasionally and/or in excess of 50 lbs. of force frequently and/or in excess of 20 lbs. of force constantly to move objects. Physical Demand requirements are in excess of those for Heavy Work.

Definitions:

- Occasionally:** activity or condition exists up to 1/3 of the time
Frequently: activity or condition exists from 1/3 to 2/3 of the time
Constantly: activity or condition exists 2/3 or more of the time

Work Postures/Positional requirements: Comment **as appropriate** in the space provided regarding the following Postures/Positions for the modified duty job available.

Sitting: _____ Squatting: _____ Standing: _____
Crawling: _____ Walking: _____ Climbing: _____
Driving: _____ Repeated arm motions: _____ Bending: _____
Turn/Twist: _____ Kneeling: _____ Foot controls: _____
Reaching up above shoulder: _____ Repetitive use of wrist/hands: _____

Comments: _____

EMPLOYER: _____

Date job is available: _____

Comments: _____

Employer Signature: _____ Date: _____

PHYSICIAN: I approve the job described above. () Yes. () No.

If no, reasons for disapproval/recommended modifications: _____

Physician Signature: _____ Date: _____

Physician Name (Please print) _____ Certified provider: YES NO (Circle)

The Health Care Provider/Physician MUST complete his/her portion of this form and SIGN and RETURN it to the EMPLOYER within fourteen (14) days of the next date of service after the HC Provider/Physician's receipt of the form from the employer, but not later than twenty-one (21) days from the HC Provider/Physician's receipt of such form.

Exhibit 7

APPENDIX A
DELAWARE DEPARTMENT OF LABOR
MEDICAL UTILIZATION REVIEW PROGRAM
REQUEST FOR UTILIZATION REVIEW

(Pursuant to **19 Del.C. §2322F(j)**)

PLEASE TYPE OR CLEARLY PRINT ALL INFORMATION.

All information and addresses must be verified as current and accurate.

1. Date of Request _____
2. WC Number(s) _____ Date(s) of injury _____
3. Nature of Injury/Practice Guideline(s) _____
4. Claimant's Name _____ Age _____ Sex _____
Address _____ Tel. No. _____
City _____ State _____ Zip _____
5. Employer _____
6. Party Requesting Review _____
Primary Contact at Party's Office _____
Email Address _____
Address _____ Tel. No. _____
City _____ State _____ Zip _____
7. Name of Claimant's Attorney _____
Address _____
8. Health Care Providers to be Reviewed and other Health Care Providers Impacted by this Review:
(a) Health Care Provider to be Reviewed _____
Specialty (if applicable) _____
Date of first treatment _____
Address _____ Tel. No. _____
City _____ State _____ Zip _____
(b) Health Care Provider to be Reviewed _____
Specialty (if applicable) _____
Date of first treatment _____
Address _____ Tel. No. _____
City _____ State _____ Zip _____
(c) Additional Health Care Providers to be reviewed (list name, specialty, address, etc. on a separate sheet)
(d) Health Care Facility(s) Impacted (e.g. hospital, ambulatory surgery center, etc.) by this retrospective review (list name, address, etc. on a separate sheet)
9. Treatment to be reviewed: Specify the health care service to be reviewed and the timeframe within which the treatment was or will be rendered.

My signature certifies the following: (a) all names and addresses on this form have been verified as current and accurate; (b) two identical copies of associated medical material are being submitted for review; (c) the bill denial for the treatment subject to this review was sent within 30 days of receiving the provider's bill; and (d) all items listed in the table of contents are in each copy of the medical material.

Print Name of Requester

Signature of Requester

**COPY THIS FORM OR REPRODUCE EXACTLY IN APPEARANCE AND CONTENT. SEE
INSTRUCTIONS ON BACKREQUIRED CONTENT, PRESENTATION AND BINDING
METHOD
FOR ALL MATERIALS SUBMITTED FOR UTILIZATION REVIEW**

In accordance with **19 Del.C. §2322 F(j)** and the regulations adopted pursuant thereto, all information and medical records submitted to the Department of Labor, Office of Workers' Compensation must represent all of the facts of this case.

INFORMATION PACKAGE · REQUIRED CONTENT

- Completed and signed Request for Utilization Review Form.
- If applicable, a list containing 1) names, addresses, etc. of the health care facilities impacted by this review; and 2) additional health care providers under review.
- Proof of date of issuance of claim denial (so the Department of Labor is able to verify that Utilization Review was requested within 15 days of the date of the claim denial).

MEDICAL RECORDS PACKAGE · REQUIRED CONTENT

- Section 1. All reports, notes, etc., from provider being reviewed from the date of injury or the two (2) year period immediately preceding the treatment to be reviewed, whichever is shorter, and the time frame within which the treatment to be reviewed was or will be rendered, as submitted to the requesting party.
- Section 2. All reports, notes, etc., of other treating providers from the date of injury or the one (1) year period immediately preceding the treatment to be reviewed, whichever is shorter, as submitted to the requesting party.
- Section 3. All diagnostic test results from the date of injury or the two (2) year period immediately preceding the treatment to be reviewed, whichever is shorter, as submitted to the requesting party.

NOTE Do not include copies of any billing statements or comments/instructions directed to the Utilization Review panel. All material **must** be presented in identified sections; each section's content must be presented in chronological order.

REQUIRED PRESENTATION AND BINDING METHOD FOR ALL SUBMITTED MATERIALS

- a. All submitted material must be presented in two (2) identical bound copies.
- b. If tabs are used for the sections, they must be positioned to the right side of the document.

Mail or Deliver to: **Department of Labor**
Office of Workers' Compensation
Medical Component Division
4425 N. Market St.
Wilmington, DE 19802

Exhibit 8

Delaware Workers' Compensation Health Care Payment System

JUSTIFICATION FOR USE OF NON-PREFERRED MEDICATION

A pharmacist **must** dispense a non-preferred/brand name drug or medication upon the physician's or other authorized individual's completion of this "Justification For Use Of Non-Preferred Medication" form.

Patient/Injured Worker: _____

Practitioner Name: _____

Office Contact: _____ Phone Number: _____ Fax Number: _____

Have you checked the Prescription Monitoring Program (PMP) profile for this patient? Yes No

Current or previous Preferred medication(s): _____

Selected Non-Preferred medication(s): _____

Was symptom(s) controlled on prior regimen? Yes No

Additional comments: _____

Pursuant to 19 **Del. C.** §2322F(g):

"(g) If, following a hearing, the Industrial Accident Board determines that an employer, an insurance carrier or a health care provider failed in its responsibilities under § 2322B, § 2322C, § 2322D, § 2322E or § 2322F of this title, it shall assess a fine of not less than \$1,000 nor more than \$5,000 for violations of said sections. Such fines shall be payable to the Workers' Compensation Fund."

Distribution of this form:

The prescriber gives this form to the injured worker, along with the prescription. The injured worker gives this form to the pharmacist.

I hereby certify that I have reviewed and complied with the Pharmacy Regulations regarding Preferred and Non-Preferred drugs and medications as set forth in the Pharmacy Regulations, 19 **DE Admin Code** 1341, Section 4.13 and hereby authorize the dispensing of the above drug(s) and/or medication(s).

Signature of physician

or other authorized individual: _____ **Date:** _____

Exhibit 9

PETITION FOR COMMUTATION

TO THE INDUSTRIAL ACCIDENT BOARD OF THE STATE OF DELAWARE
SITTING IN AND FOR _____ COUNTY

_____)	_____)	_____)
Claimant)	SS#)	Carrier File #)
)))
vs.)	_____)	
)	Carrier/Self-Insurer Name)	
_____)	_____)	_____)
Employer)	Date of Injury)	Case File No.)

The undersigned prays that your Honorable Board shall, after due notice of the time and place of hearing served on all parties in interest, hear and determine the matter in accordance with the facts and the law, and state its conclusions of fact and rulings of law.

Petition for Commutation of Benefits, Pursuant to §2358:
(Please check the appropriate blocks(s))

_____ Total Disability, Pursuant to §2324	_____ Partial Disability, Pursuant to §2325
_____ Permanent Impairment, Pursuant to §2326	_____ All Benefits, <u>Except</u> Medical Expenses
_____ 2 nd Injury Fund, Pursuant to §2327	_____ All Benefits, <u>Including</u> Medical Expenses
_____ Medical Expenses <u>Only</u>	_____ Other _____

Petition for Commutation of Benefits, Pursuant to §2358:

_____ The parties agree to the above settlement commutation to be presented by stipulation to the board.

The person who the parties agreed with is _____

_____ The parties contest the above commutation and request a pre-trial hearing.

Dated this _____ day of _____ A.D. 20 _____.

Name

Address

Exhibit 10

STATE OF DELAWARE
DEPARTMENT OF LABOR
DIVISION OF INDUSTRIAL AFFAIRS
4425 NORTH MARKET STREET
WILMINGTON, DELAWARE 19801

PHONE: (302) 761-8200
FAX: (302) 736-9170

REQUEST FOR COPY OF PUBLIC DOCUMENT

NAME OF REQUESTOR: _____ DATE: _____

BUSINESS OF REQUESTOR: _____

ADDRESS: _____

TELEPHONE NUMBER: _____

DOCUMENT DESCRIPTION

(Example) Copy of any and all file materials pertaining to any worker's compensation claim involving the claimant:

CLAIMANT'S NAME: _____

INDUSTRIAL ACCIDENT BOARD (CASE FILE) NUMBER: _____

SOCIAL SECURITY NUMBER: _____

DATE OF ACCIDENT: _____

SIGNATURE OF REQUESTOR: _____

FOR DEPARTMENT OF LABOR USE ONLY

NUMBER OF PAGES COPIED _____ @ 0.25 PER PAGE = \$ _____

MAILING COSTS: \$ _____ **TOTAL AMOUNT DUE \$ _____**

PICK UP _____

MAIL _____

PAID BY: CHECK _____ CASH _____

Exhibit 11

PETITION TO DETERMINE COMPENSATION DUE TO INJURED EMPLOYEE

To the Industrial Accident Board of the State of Delaware

Sitting in and for _____ County

_____	}	Claimant SS# _____
Claimant		Date of Birth _____
vs.		Insurance Carrier _____
_____		Case File No. _____
Employer		

The undersigned petitioner respectfully represents:

That the above named claimant and the above named employer have failed to reach an agreement in regard to compensation due said claimant as an employee of said employer.

The undersigned therefore prays that your Honorable Board shall, after due notice of the time and place of hearing served on all parties in interest, hear and determine the matter in accordance with the facts and the law and state its conclusions of fact and rulings of law.

My signature on this petition is authorization for any doctor, hospital, other health care provider, or State of Delaware Division of Vocational Rehabilitation to supply any and all medical records and reports to the bearer of the original or a copy of this petition regarding any medical condition provided all requests for this information are in writing.

Dated this _____ day of _____ A.D. 20____

Claimant's Signature

Name of Attorney, if applicable _____

**INDUSTRIAL ACCIDENT BOARD
STATE OF DELAWARE**

Statement of Facts Upon Failure to Reach an Agreement

1. Name of Employee _____
Address _____
City _____ State _____ Zip _____
Telephone Number _____ E-mail (optional) _____

2. Date of Accident _____ 3. Place of Accident _____

4. Name of Employer _____
Employer Contact Name _____ E-mail (optional) _____
Address _____
City _____ State _____ Zip _____
Telephone Number _____ Fax # _____

5. Name of Insurance Carrier / 3rd Party Administrator _____

6. Occupation of employee at the time of accident _____

7. Describe accident/illness and how it happened _____

8. List the body part(s)/illness _____

9. Did employee receive medical, surgical or hospital service? Yes No

10. When was notice of injury given to or received by employer? _____

11. Give names and addresses of all employers for the last 5 years. If more space is needed, attach a separate sheet.

NAME:	ADDRESS:

12. State weekly wage when injured _____

13. State names and addresses of all treating doctors for this claim. If more space is needed, attach a separate sheet.

NAME:	ADDRESS:

14. State names and address of all other treating doctors for the last 10 years. If more space is needed, attach a separate sheet.

NAME:	ADDRESS:

15. Give names and addresses and dates of treatment of all hospitals and institutes treating you for this injury. If more space is needed, attach a separate sheet.

NAME:	ADDRESS:

16. To what extent did injury prevent employee from working and for how long _____

17. State whether or not employee has fully recovered and if only partially to what extent _____

18. If employee has resumed work, state
a) when and give name of present employer _____

b) what trade or occupation and weekly wages _____

19. Identify, give description and dates of all previous and subsequent injuries.

20. State any other important facts bearing on the case above presented _____

PETITION TO DETERMINE COMPENSATION DUE TO DEPENDENTS
OF DECEASED EMPLOYEE

To the Industrial Accident Board of the State of Delaware

Sitting in and for _____ County

_____	}	Claimant SS# _____
Claimant (Deceased Employee)		Date of Birth _____
vs.		Insurance Carrier _____
_____		Case File No. _____
Employer		

The undersigned petitioner respectfully represents:

That the above named claimant and the above named employer have failed to reach an agreement in regards to compensation due said claimant as the dependent of _____
_____ a deceased employee of said employer.

The undersigned therefore prays that your Honorable Board shall, after due notice of the time and place of hearing served on all parties in interest, hear and determine the matter in accordance with the facts and the law and state its conclusions of fact and rulings of law.

Dated this _____ day of _____ A.D. 20 ____.

Witness:

Name:

Signature

Signature

Print Name

Print Name

**INDUSTRIAL ACCIDENT BOARD
STATE OF DELAWARE**

Statement of Facts Upon Failure to Reach an Agreement

1. Name of Employee _____
Address _____
City _____ State _____ Zip _____
Telephone Number _____ E-mail (optional) _____
2. Date of Accident _____ 3. Place of Accident _____
4. Name of Employer _____
Employer Contact Name _____ E-mail (optional) _____
Address _____
City _____ State _____ Zip _____
Telephone Number _____ Fax # _____
5. Name of Insurance Carrier / 3rd Party Administrator _____
6. Occupation of employee at the time of accident _____
7. Nature of accident and how it happened _____

8. Describe the nature of injury _____

9. Did employee receive medical, surgical or hospital service? Yes No
10. When was notice of injury given to or received by employer? _____
11. Give names and addresses of all employers for the last 5 years. If more space is needed, attach a separate sheet.

NAME:	ADDRESS:

12. State weekly wage when injured _____

13. State names and addresses of all treating doctors for this claim. If more space is needed, attach a separate sheet.

NAME:	ADDRESS:

14. State number of weeks employed during the last twelve months _____

15. State at what trade or occupation employed during the last twelve months _____

16. Date of death _____

17. What were the expenses of last sickness and burial _____

18. Amount of these expenses paid by the employer _____

19. Name of widow or widower of deceased, if dependent _____

20. Names and dates of birth of dependent children under sixteen years of age.

_____	_____
_____	_____
_____	_____
_____	_____

21. Names and addresses of surviving father and mother of deceased, if dependent.

_____	_____
-------	-------

22. Give names and dates of birth of dependent sibling(s) of deceased under sixteen years of age.

_____	_____
_____	_____

23. State any other important facts bearing on the case above presented.

PETITION TO DETERMINE ADDITIONAL COMPENSATION DUE TO INJURED EMPLOYEE

To the Industrial Accident Board of the State of Delaware sitting in and for

_____ County.

Claimant	)	SS#	Carrier File #
vs.)		
	)	Carrier / Self-Insurer Name	
Employer	)	Date of Injury	Case File No.

The undersigned prays that your Honorable Board shall, after due notice of the time and place of hearing served on all parties in interest, hear and determine the matter in accordance with the facts and the law, and state its conclusions of fact and rulings of law.

Petition for additional compensation due – Please check the appropriate block(s):

- Recurrence of the total disability benefits, pursuant to §2324 for the period(s) _____
- Recurrence of partial disability benefits, pursuant to §2325 for the period(s) _____
- Permanent impairment, pursuant to §2326.

Permanency Percentage:			
Part of Body:			
Dr. who rated permanency:			

- Transportation expenses
- Medical expenses/bills, other than appeals for a utilization review determination. Use the DACD petition dedicated for utilization review determination appeals for those medical expenses.
- Other _____

My signature on this Petition is authorization for any doctor, hospital, other health care provider, or State of Delaware Division of Vocational Rehabilitation to supply any and all medical records and reports to the bearer of the original or a copy of this petition regarding any medical condition provided all requests for this information are in writing.

Dated this _____ day of _____ A.D. 20 _____.

Claimant's Signature

Address

City, State, and Zip Code

Phone Number

PETITION TO DETERMINE DISFIGUREMENT

To The Industrial Accident Board of the State of Delaware
Sitting in and for _____ County

Petitioner)
vs.)

Employer)

Case File No. _____

The undersigned petitioner respectfully represents:

Being desirous of having a hearing on the ground that _____ has
sustained a disfigurement to the following part/parts of the body _____
resulting from a compensable industrial accident which occurred on _____
and became permanent as of _____, the undersigned respectfully prays that
your Honorable Board shall, after due notice of the time and place of hearing served on all
parties in interest, hear and determine the matter in accordance with the facts and the law, and
state its conclusion of fact and rulings of law.

Dated this _____ day of _____ A.D. 20_____

Name

Address

P E T I T I O N F O R R E V I E W

To the Industrial Accident Board of the State of Delaware sitting in and for

County.

_____)	_____)	_____)	_____)
Employer	SS #	Carrier File #	OWC Case File #
_____)	_____)	_____)	_____)
vs.	Carrier/Self-Insurer Name	Name of Adjuster	
_____)	_____)	_____)	_____)
Claimant.	Date of Injury	Adjuster's Phone #	Adjuster's E-mail, If Applicable

The undersigned prays that your Honorable Board shall, after due notice of the time and place of hearing served on all parties in interest, hear and determine the matter in accordance with the facts and the law, and state its conclusions of fact and rulings of law.

Petition for Termination of Benefits, Pursuant to §2347:

- _____ Claimant returned to work
- _____ Claimant is physically able to return to work
- _____ Failure to sign agreement(s) / receipt(s)
- _____ Missed employer medical examination (s), pursuant to §2343 (b)
- _____ Failure to comply with Board's order for vocational rehabilitation services
- _____ Claimant's partial disability has terminated or diminished
- _____ Other: _____

Petition to Order Vocational Rehabilitation, Pursuant to §2353 (a):

- _____ To obtain an order requesting the claimant's cooperation with vocational rehabilitation services

Petition for Workers' Compensation Fund, Pursuant to §2327:

- _____ Reimbursement from the Workers' Compensation Fund

Dated the _____ day of _____ A.D. 20_____.

Name of Attorney

Address

PETITION FOR COMMUTATION

TO THE INDUSTRIAL ACCIDENT BOARD OF THE STATE OF DELAWARE
SITTING IN AND FOR _____ COUNTY

_____)	_____)	_____)
Claimant)	SS#)	Carrier File #)
)))
vs.)	_____)	
)	Carrier/Self-Insurer Name)	
_____)	_____)	_____)
Employer)	Date of Injury)	Case File No.)

The undersigned prays that your Honorable Board shall, after due notice of the time and place of hearing served on all parties in interest, hear and determine the matter in accordance with the facts and the law, and state its conclusions of fact and rulings of law.

Petition for Commutation of Benefits, Pursuant to §2358:
(Please check the appropriate blocks(s))

_____ Total Disability, Pursuant to §2324	_____ Partial Disability, Pursuant to §2325
_____ Permanent Impairment, Pursuant to §2326	_____ All Benefits, <u>Except</u> Medical Expenses
_____ 2 nd Injury Fund, Pursuant to §2327	_____ All Benefits, <u>Including</u> Medical Expenses
_____ Medical Expenses <u>Only</u>	_____ Other _____

Petition for Commutation of Benefits, Pursuant to §2358:

_____ The parties agree to the above settlement commutation to be presented by stipulation to the board.

The person who the parties agreed with is _____

_____ The parties contest the above commutation and request a pre-trial hearing.

Dated this _____ day of _____ A.D. 20 _____.

Name

Address

**PETITION TO DETERMINE ADDITIONAL COMPENSATION DUE TO INJURED EMPLOYEE
- APPEAL A UTILIZATION REVIEW (UR) DETERMINATION**

To the Industrial Accident Board of the State of Delaware sitting in and for

_____ County.

)		
Claimant,	)	SS#	Carrier File #
)		
vs.)		
	)	Carrier / Self-Insurer Name	
)		
)		
Employer.	)	Date of Injury	Case File No.

The undersigned prays that your Honorable Board shall, after due notice of the time and place of hearing served on all parties in interest, hear and determine the matter in accordance with the facts and the law, and state its conclusions of fact and rulings of law.

This petition is a *de novo* review of a UR determination, pursuant to Title 19 **Del.C.** §2322F(j) and 19 **DE Admin Code** 1341. Please provide the information below:

1. Date petitioner received the UR Determination via certified mail (appeal must be filed within 45 days from date of UR determination receipt). _____

2. Date (s), Practice Guideline(s), and Treatment(s) involved in the Utilization Review.

Date(s):	Practice Guideline(s):	Treatment(s):
1) _____	_____	_____
2) _____	_____	_____
3) _____	_____	_____

3. Name and Address of the Health Care Provider(s) whose treatment was questioned in this UR.

Dated this _____ day of _____ A.D. 20 _____ .

Name of Petitioning Party

Address

City, State, and Zip Code

Phone Number

Exhibit 12

AGREEMENT BY EXECUTIVE OFFICER(S)/LLC MEMBERS(S) NOT TO BE SUBJECT TO THE DELAWARE WORKERS' COMPENSATION LAW

Executive officers of corporations and members of Limited Liability Companies (LLCs) are covered under the Delaware Workers' Compensation Law. However, up to eight (8) executive officers who are stockholders of a corporation or up to four (4) members of an LLC may elect not to be subject to Delaware Workers' Compensation Law by completing this agreement with their corporation/LLC. **SPECIAL NOTE - CONSTRUCTION** corporations/LLCs subject to Title 30, Chapter 25 of the Delaware Code may elect to exclude up to four (4) executive officers who are stockholders of a corporation or up to four (4) members of an LLC. Executive Officers are the president, any vice president, secretary, treasurer or any other executive officer(s) elected by the board of directors in accordance with the charter and the regularly adopted by-laws of the corporation. This Executive Officer/LLC member Exclusion Procedure must be repeated each time a corporation/LLC wishes to change the status of any executive officer/LLC member and/or secures coverage from a different carrier group.

Name of business

Federal Employer Identification Number

Business has employee(s) (other than those listed below) - please check here
 Business does not have employee(s) (other than those listed below) - please check here

Please check type of business

- Corporation** Not Subject to Title 30, Chapter 25 (non construction) – *Maximum 8 exclusions*
- Corporation** Subject to Title 30, Chapter 25 (**construction**) – *Maximum 4 exclusions*
- Limited Liability Company (LLC)** – *Maximum 4 exclusions*

Signature of Representative of Corporation or LLC *Title* *Date*

Named below are the executive officer(s)/LLC member(s) electing not to be subject to the Delaware Workers Compensation Law:

NAME(s) <small>(Print name)</small>	TITLE	MEMBER OFFICER(S) SIGNATURE	STOCKHOLDER YES/NO	DATE

Additional space below limited to officers of corporations not subject to Title 30, Chapter 25. Cannot be used for other corporations or any LLC.

IMPORTANT: If you have workers compensation insurance, you must submit the original of this completed form to your insurance carrier, together (in the case of a corporation) with the shareholders resolution(s), shareholders agreement(s), and/or shareholders written consent(s) evidencing the executive officer status of the electing executive officer(s), or together (in the case of an LLC) with the operating agreement and/or certificate of formation evidencing the member status of the electing member(s). If you are a subcontractor, you must also provide a copy of the same documents to each general contractor by whom you are hired.

The B & O Building
2 N. Charles Street, Suite 600
Baltimore, Maryland 21201
410.752.8700
410.752.6868 Fax

111 North West Street
Suite 200
Easton, Maryland 21601
410.820.0600
410.820.0300 Fax

1101 Opal Court
Hub Plaza, Suite 210
Hagerstown, Maryland 21740
301.745.3900
301.766.4676 Fax

2325 Dulles Corner Boulevard
Suite 1150
Herndon, Virginia 20171
703.793.1800
703.793.0298 Fax

800 Creek View Road
Suite 300
Newark, Delaware 19711
302.594.9780
302.594.9785 Fax

5516 Falmouth Street
Suite 203
Richmond, Virginia 23230
804.932.1996
804.403.6007 Fax
