



## **DOMESTIC/FOREIGN INSURERS BULLETIN NO. 64**

**TO: ALL INSURANCE COMPANIES DOING BUSINESS IN DELAWARE**

**RE: Delaware Workplace Safety Program – House Bill 175**

**DATED: July 15, 2013**

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The purpose of this Bulletin is to inform all insurers doing business in Delaware of the passage of [House Bill 175](#) (enacted on June 27, 2013). This bulletin pertains only to changes being made to the Delaware Department of Insurance's Workplace Safety Program. An additional bulletin relevant to the remaining regulatory requirements will be issued, if necessary, to provide further guidance for carrier compliance.

House Bill 175 implements the legislative recommendations of the Workers Compensation Task Force in an effort to help improve Delaware's overall workers compensation system. Changes affecting Delaware's Workplace Safety Program are:

1. Requires more rigorous inquiries about past injuries in a workplace before awarding of the credit;
2. Allows for the option of substituting insurance company safety inspections, which are at least as rigorous as those performed by the Department of Insurance; and
3. Requires that companies be compliant with their "back to work" responsibilities for injured employees before being eligible for the credit.

Accordingly, effective immediately:

- Carriers must submit a list of their inspectors' qualifications bi-annually to the Delaware Insurance Department for certification. Inspectors, at a minimum, should have current OSHA 10 and/or 30 hour General Industry Training, OSHA 10 and/or 30 Hour Construction Training, OSHA Hazard Communication Standard Training and, where applicable, any industry specific training such as OSHA Maritime Training, Industrial Hygienist Training, NIOSH Environmental Health Safety, Trenching and Shoring, Confined Space Training, etc., as appropriate for the premises they are inspecting.

- Carriers who have conducted an engineering and loss control inspection of the Delaware premises and operations of their Workplace Safety Program eligible clients may now submit their findings to the Delaware Insurance Department's Workplace Safety Program staff, in order for their clients to receive the workers compensation insurance premium discount.
- Carriers must complete the safety inspection and submit a written report four (4) months prior to the policy renewal date.
- Inspection reports must include all workplace injuries that occurred in the last three (3) years, including the specific nature and outcome of the injuries, any fines or findings resulting from the workplace injuries, a list of possible assignments for injured workers, and any safety measures taken by the employer.
- Written reports submitted by the carrier should explain, in detail, why this information did or did not impact the employer's eligibility for a workplace safety credit.

The Department anticipates questions about these new regulatory requirements and House Bill 175. Please email any questions regarding Domestic/Foreign Insurers Bulletin No 64 to the Department's Workplace Safety Program staff at: [safety@state.de.us](mailto:safety@state.de.us)

This Bulletin shall be effective immediately.



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**Karen Weldin Stewart, CIR-ML**  
**Delaware Insurance Commissioner**