

REGULATION 507

WORKERS' COMPENSATION INSURANCE ADJUSTERS

1.0 PURPOSE

1.1 The purpose of this Chapter is to provide rules to assist the Commissioner in administering the laws relating to the licensure and regulation of Workers' Compensation insurance adjusters, as provided for in 18 Del. C. Chapter 17 et. seq.

1.2 This regulation should not be viewed as replacing any other or additional statutory requirements not explicitly included in this regulation.

2.0 SCOPE

2.1 This regulation applies to all persons acting as Workers' Compensation insurance adjusters in this state. The Workers' Compensation Insurance adjuster license is to be issued by the Commissioner.

3.0 DEFINITIONS.

3.1 "Commissioner" means the Commissioner of the Delaware Insurance Department.

3.2 "Department" means the Department of Insurance;

3.3 " NAIC" means the National Association of Insurance Commissioners;

3.4 "Person" means a natural person;

3.5 "Workers Compensation insurance adjuster" means any person, who, for compensation or any other thing of value, does any of the following:

3.3.1 Acts or aids in investigating, verifying, substantiating, estimating, appraising, determining, presenting, and discussing the value of the claim, and/or effectuating the resolution of a claim for loss or damage covered by an insurance contract that insures crops;

3.3.2 Advertises for employment as an adjuster of claims arising under insurance contracts that insure crops or solicits business or represents to the public to be a crop insurance adjuster of insurance claims, for losses or damages arising out of policies of insurance that insure crops; or

3.3.3 Directly or indirectly solicits business, investigates or adjusts losses, or advises an insured about claims for losses or damages arising out of policies of insurance that insure workers, when doing any of the foregoing for or on behalf of another person engaged in the business of adjusting losses or damages covered by an insurance policy that insures workers, for the insured.

4.0 QUALIFICATION FOR THE ISSUANCE OF A LICENSE.

4.1 A person shall apply for and receive from the Commissioner a Workers Compensation insurance adjuster license to operate as a workers compensation adjuster in this State. All applications for licensure shall be in accordance with the requirements of 18 Del. C. §§1706 and 1707 (1).

5.0 EXAMINATION REQUIREMENTS.

5.1 All individuals applying for a workers compensation insurance adjuster license are required to pass the approved proficiency test for workers compensation insurance adjusters.

5.2 The Commissioner may enter into a contract with a testing organization for the examination of applicants for a license as a workers compensation insurance adjuster. Such contract may provide that the testing organization shall:

5.2.1 Assume responsibility for the administration and grading of the examination; and

5.2.2 Charge and collect from each applicant the fee for administering the examination.

6.0 CONTINUING EDUCATION REQUIREMENT.

6.1 An individual, who holds a workers compensation insurance adjuster license shall satisfactorily complete a minimum of twenty-four (24) hours of continuing education credits, three (3) of which shall be in ethics subjects, during each biennium reporting period. The education required by this section shall be in addition to any other continuing education requirements required for other professional licenses held by the individuals licensed under Chapter 17 of the Delaware Code.

6.2 Only continuing education courses approved by the Commissioner shall be used to satisfy the continuing education requirement of Paragraph 6.1.

7.0 Effective Date

This Regulation shall take effect 10 days after execution of an Order by the Commissioner and its publication in the Register of Regulations or January 1, 2011, whichever shall occur last.