

No. 2020-6373

**Official Order  
of the  
Texas Commissioner of Insurance**

**Date: 06/26/2020**

**Subject Considered:**

**National Council on Compensation Insurance Filing  
*Item U-1401—Nature and Cause of Injury Codes for COVID-19 (Coronavirus)  
Claims***

The subject of this order is the adoption of amendments to the National Council on Compensation Insurance (NCCI) *Statistical Plan for Workers Compensation and Employers Liability Insurance* (Statistical Plan), as proposed in *Item U-1401-Nature and Cause of Injury Codes for COVID-19 (Coronavirus) Claims* (TDI ECase No. 24464; SERFF Tracking No. NCCI—132330992).

**Background**

NCCI filed *Item U-1401* to amend the NCCI Statistical Plan.

The amendments add a rule for reporting COVID-19 claims to NCCI using two new injury description codes: 83-COVID-19 and 83-Pandemic. These changes will allow proper reporting of these types of claims.

After considering the filing, TDI adopts the following findings of fact and conclusions of law.

**Findings of Fact**

1. NCCI filed *Item U-1401* with TDI on April 10, 2020, under the workers' compensation manual rule filing procedure adopted in Commissioner's Order No. 3142, dated March 21, 2014.
2. *Item U-1401* amends the Statistical Plan to add a rule to report COVID-19 claims using two new injury codes: 83-COVID-19 and 83-Pandemic.

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3. The rule and these codes are being added to identify claims attributable to COVID-19.
4. NCCI proposed that the changes in *Item U-1401* apply for new and renewal policies effective for claims attributable to COVID-19 with accident dates on and after December 1, 2019.
5. *Item U-1401* has been available for public inspection in SERFF and at TDI since the filing date.
6. The filing, including exhibits, is incorporated by reference into this order.
7. On April 21, 2020, TDI published notice of the filing on the TDI website at [www.tdi.texas.gov/rules/2020/nccimanual.html](http://www.tdi.texas.gov/rules/2020/nccimanual.html) and distributed notice of the filing to electronic news subscribers.
8. TDI received one written comment on the filing by the May 21, 2020, deadline. The comment was from the Office of Injured Employee Counsel and supports the proposed amendments to the Statistical Plan.
9. TDI made no changes to the proposed amendments.

### **Conclusions of Law**

1. TDI has jurisdiction over this matter under Insurance Code Article 5.96 and §§ 2051.002, 2051.201, 2052.002, 2053.002, 2053.011, 2053.051, 2053.052, 2053.053 and 36.001.
2. TDI gave notice in compliance with Commissioner's Order No. 3142.
3. The amendments to the NCCI Statistical Plan are consistent with Insurance Code Article 5.96 and Chapters 2051, 2052, and 2053.
4. Applying the changes in *Item U-1401* for new and renewal policies effective for claims attributable to COVID-19 with accident dates on and after December 1, 2019, is reasonable.

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It is ordered that NCCI's filing, *Item U-1401—Nature and Cause of Injury Codes for COVID-19 (Coronavirus) Claims* is approved. The changes in *Item U-1401* apply for new and renewal policies effective for claims attributable to COVID-19 with accident dates on and after December 1, 2019.

Kent C. Sullivan  
Commissioner of Insurance

DocuSigned by:  
By: Doug Slape  
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Doug Slape  
Chief Deputy Commissioner  
Commissioner's Order No. **2018-5528**

Recommended by:

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Mark Worman, Deputy Commissioner

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