

No. **2021-6889**

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

Date: 07/01/2021

Subject considered:

**National Council on Compensation Insurance Filing
*Item U-1402—Injury Description Codes for Adverse Reaction to Vaccination for
COVID-19 and Other Diseases***

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-1402—Injury Description Codes for Adverse Reaction to Vaccination for COVID-19 and Other Diseases* (TDI ECase No. 27297; SERFF Tracking No. NCCI-132790842).

Background

Item U-1402 amends NCCI's Statistical Plan to identify claims for adverse reactions to vaccinations for COVID-19 and other diseases.

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

Findings of Fact

1. NCCI filed *Item U-1402* with TDI on April 5, 2021, under the workers' compensation manual rule filing procedure adopted in Commissioner's Order No. 3142, dated March 21, 2014.
2. *Item U-1402* amends the Statistical Plan to:
 - a. Establish new Nature of Injury Code 38—Adverse Reaction to a Vaccination or Inoculation; and

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- b. Add a description to existing Cause of Injury Code 82—Absorption, Ingestion or Inhalation, NOC.¹
3. The new Nature of Injury Code 38 will be used to identify claims for adverse reactions to vaccinations for COVID-19 and other diseases. The added description to Cause of Injury Code 82 will extend its use by including vaccinations as part of the description.
4. NCCI proposed that the changes in *Item U-1402* would apply to claims with an accident date of December 1, 2020, and later.
5. *Item U-1402* 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 May 24, 2021, TDI published notice of the filing on the TDI website and distributed notice of the filing to electronic news subscribers.
8. TDI did not receive any comments on the filing or hearing requests by the June 23, 2021, deadline.

Conclusions of Law

1. TDI has jurisdiction over this matter under Insurance Code Article 5.96 and Insurance Code Sections 2051.002, 2051.201, 2053.002, 2053.011, 2053.052, 2053.101.
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 Insurance Code Chapters 2051 and 2053.
4. Applying the changes in *Item U-1402* to claims with an accident date of December 1, 2020, and later is reasonable.

¹ NOC (Not Otherwise Classified).

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Order

It is ordered that NCCI's filing, *Item U-1402—Injury Description Codes for Adverse Reaction to Vaccination for COVID-19 and Other Diseases*, is approved. The changes in *Item U-1402* apply to claims with an accident date of December 1, 2020, and later.

Commissioner of Insurance

DocuSigned by:

Doug Slape

By: _____

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Doug Slape

Chief Deputy Commissioner

Tex. Gov't Code § 601.002

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Recommended by:

DocuSigned by:

Mark Worman

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Mark Worman, Deputy Commissioner

Reviewed by:

DocuSigned by:

Richard Gober

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Richard Gober, Staff Attorney