

No. **2020-6615**

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

Date: 12/16/2020

Subject considered:

**National Council on Compensation Insurance Filing
*Item B-1443—Revisions to NCCI Manual Rules Related to the COVID-19
(Coronavirus) Pandemic – Removal of Expiration Date***

The subject of this order is the adoption of amendments to the National Council on Compensation Insurance (NCCI) manuals, as proposed in *Item B-1443—Revisions to NCCI Manual Rules Related to the COVID-19 (Coronavirus) Pandemic – Removal of Expiration Date* (TDI ECase No. 26074; SERFF Tracking No. NCCI-132554463).

Background

NCCI filed *Item B-1443* to amend the NCCI *Basic Manual for Workers Compensation and Employers Liability Insurance* (Basic Manual) and the *Statistical Plan for Workers Compensation and Employers Liability Insurance* (Statistical Plan).

The COVID-19 pandemic created unique workers' compensation conditions that were previously addressed in *Item B-1441—Revisions to NCCI Manual Rules Related to the COVID-19 (Coronavirus) Pandemic*, effective March 1, 2020. Most of the rules in *Item B-1441* expire on December 31, 2020.

Item B-1443 removes the expiration date established in *Item B-1441*, due to the ongoing pandemic conditions.

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

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Findings of Fact

1. NCCI filed *Item B-1443* with TDI on October 5, 2020, under the workers' compensation manual rule filing procedure adopted in Commissioner's Order No. 3142, dated March 21, 2014.
2. The COVID-19 pandemic created unique workers' compensation conditions that were previously addressed in *Item B-1441—Revisions to NCCI Manual Rules Related to the COVID-19 (Coronavirus) Pandemic*, effective March 1, 2020. TDI approved *Item B-1441* on August 4, 2020, via Commissioner's Order No. 2020-6418.
3. Most of the rules in *Item B-1441* expire on December 31, 2020, because NCCI anticipated they would no longer be required. Because of the ongoing pandemic conditions, *Item B-1443* removes the December 31, 2020, expiration date for these rules.
4. *Item B-1443* removes the expiration date from rules 2-B-2-n, 2-F-1, and 2-F-3 in the Basic Manual, and rules 3-F-2-d, 3-F-3-c, 4-E-1-f(2)(d), and 6-E-3 in the Statistical Plan. Those rules address idle time, Statistical Code 0012, reporting of final premium, and payments to furloughed employees.
5. NCCI proposed that the changes in *Item B-1443* apply to new, renewal, and outstanding workers' compensation policies effective on or after 12:01 a.m. on November 1, 2020.
6. *Item B-1443* has been available for public inspection in SERFF and at TDI since the filing date.
7. The filing, including exhibits, is incorporated by reference into this order.
8. On November 12, 2020, TDI published notice of the filing on the TDI website at www.tdi.texas.gov/rules/2020/nccimanual.html and distributed notice of the filing to electronic news subscribers.
9. TDI received no comments or hearing requests on the filing by the December 14, 2020, deadline.

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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, and 2053.052.
2. TDI gave notice in compliance with Commissioner's Order No. 3142.
3. The amendments to the Basic Manual and the Statistical Plan are consistent with Insurance Code Article 5.96 and Chapters 2051, 2052, and 2053.
4. Because the proposed effective date has passed, a later effective date is necessary.

Order

It is ordered that NCCI's filing, *Item B-1443—Revisions to NCCI Manual Rules Related to the COVID-19 (Coronavirus) Pandemic – Removal of Expiration Date*, is approved. The changes in *Item B-1443* apply to new, renewal, and outstanding policies effective on or after 12:01 a.m. on December 31, 2020.

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DocuSigned by:
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Doug Slape
Chief Deputy Commissioner
Tex. Gov't Code § 601.002
Commissioner's Order No. 2018-5528

Recommended by:

DocuSigned by:
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Mark Worman, Deputy Commissioner

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