

S. 5476

A. 7934

2011-2012 Regular Sessions

S E N A T E - A S S E M B L Y

May 25, 2011

IN SENATE -- Introduced by Sen. RITCHIE -- read twice and ordered printed, and when printed to be committed to the Committee on Labor

IN ASSEMBLY -- Introduced by M. of A. TENNEY -- read once and referred to the Committee on Labor

AN ACT to amend the workers' compensation law, in relation to pre-authorized procedures

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 Section 1. Subdivision 5 of section 13-a of the workers' compensation
2 law, as amended by chapter 6 of the laws of 2007, is amended to read as
3 follows:
4 (5) No claim for specialist consultations, surgical operations,
5 physiotherapeutic or occupational therapy procedures, x-ray examinations
6 or special diagnostic laboratory tests costing more than one thousand
7 dollars shall be valid and enforceable, as against such employer, unless
8 such special services shall have been authorized by the employer or by
9 the board, or unless such authorization has been unreasonably withheld,
10 or withheld for a period of more than thirty calendar days from receipt
11 of a request for authorization, or unless such special services are
12 required in an emergency, provided, however, that the basis for a denial
13 of such authorization by the employer must be based on a conflicting
14 second opinion rendered by a physician authorized by the board. The
15 board, with the approval of the superintendent of insurance, shall issue
16 and maintain a list of pre-authorized procedures under this section.
17 SUCH LIST OF PRE-AUTHORIZED PROCEDURES SHALL BE ISSUED AND MAINTAINED
18 FOR THE SOLE PURPOSE OF EXPEDITING AUTHORIZATION OF PATIENT TREATMENT.
19 SUCH LIST OF PRE-AUTHORIZED PROCEDURES SHALL NOT BE UTILIZED AS MEDICAL
20 GUIDELINES OR TO DIRECT PATIENT CARE IN ANY WAY NOR SHALL ANY PRE-AU-
21 THORIZED PROCEDURE BE GIVEN PREFERENCE OVER AN ALTERNATIVE FORM OF
22 TREATMENT THAT HAS NOT BEEN PLACED ON THE PRE-AUTHORIZED PROCEDURES
23 LIST.
24 S 2. This act shall take effect immediately.

EXPLANATION--Matter in ITALICS (underscored) is new; matter in brackets
[] is old law to be omitted.

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