

STATE OF NEW YORK

9726

IN ASSEMBLY

March 28, 2022

Introduced by M. of A. LAWLER -- read once and referred to the Committee on Governmental Employees

AN ACT to amend the workers' compensation law and the retirement and social security law, in relation to certain medical record requirements for participants in the World Trade Center rescue, recovery, or cleanup operations

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. The workers' compensation law is amended by adding a new
2 section 169 to read as follows:

3 § 169. World Trade Center health program medical records. 1. Notwith-
4 standing any other provision in this chapter, a participant in the World
5 Trade Center rescue, recovery, or cleanup operation, who is required by
6 an insurance carrier, self-insurer, the state insurance fund or an
7 employer to obtain or undergo an independent medical examination as
8 defined in section one hundred thirty-seven of this chapter, diagnostic
9 test, x-ray examination, magnetic resonance imaging or other radiologi-
10 cal examination or test in accordance with paragraph (b) of subdivision
11 four of section thirteen-a of this chapter may provide medical records
12 that were utilized by such participant to gain acceptance into the
13 federal World Trade Center health program as an alternative to the
14 required examination or test.

15 2. The chairperson shall promulgate regulations to determine what
16 medical records shall be accepted as an alternative to a requisite test
17 or examination.

18 § 2. Section 162 of the workers' compensation law, as amended by chap-
19 ter 266 of the laws of 2018, is amended to read as follows:

20 § 162. Registration of participation in World Trade Center rescue,
21 recovery and clean-up operations. In order for the claim of a partic-
22 ipant in World Trade Center rescue, recovery and clean-up operations to
23 come within the application of this article, such participant must file
24 a written and sworn statement with the board on a form promulgated by
25 the chair indicating the dates and locations of such participation and
26 the name of such participant's employer during the period of partic-

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

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1 ipation. Such statement must be filed not later than September eleventh,
2 two thousand [~~twenty-two~~] twenty-five. The board shall transmit a copy
3 of such statement to the employer or carrier named therein. The filing
4 of such a statement shall not be considered the filing of a claim for
5 benefits under this chapter.

6 § 3. Subparagraph (i) of paragraph (a) of subdivision 36 of section 2
7 of the retirement and social security law, as amended by chapter 425 of
8 the laws of 2021, is amended to read as follows:

9 (i) such member, or eligible beneficiary in the case of the member's
10 death, must have either filed a written and sworn statement with the
11 member's retirement system on a form provided by such system, or as
12 allowed by the member's retirement system, electronically submitted a
13 statement on a form provided by such system through a secure online
14 portal maintained by the member's retirement system that has duly vali-
15 dated the member's identity, indicating the underlying dates and
16 locations of employment not later than September eleventh, two thousand
17 [~~twenty-two~~] twenty-five, and

18 § 4. This act shall take effect immediately.