

STATE OF NEW YORK

9726--A

IN ASSEMBLY

March 28, 2022

Introduced by M. of A. LAWLER -- read once and referred to the Committee on Governmental Employees -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

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. Paragraphs (d) and (e) of subdivision 3 of section 161 of
2 the workers' compensation law, paragraph (d) as added and paragraph (e)
3 as amended by chapter 489 of the laws of 2013, are amended and a new
4 paragraph (f) is added to read as follows:

5 (d) Diseases of the psychological axis, including post-traumatic
6 stress disorder, anxiety, depression, or any combination of such condi-
7 tions; ~~[or]~~

8 (e) New onset diseases resulting from exposure as such diseases occur
9 in the future including cancer, chronic obstructive pulmonary disease,
10 asbestos-related disease, heavy metal poisoning, musculoskeletal disease
11 and chronic psychological disease~~[-]~~; or

12 (f) Any disease and/or condition certified in writing by the federal
13 World Trade Center Health Program as a World Trade Center related health
14 condition shall be presumptive evidence that any disability or death
15 arising from such disease and/or condition was incurred during the World
16 Trade Center rescue, recovery and clean-up operations. This presumptive
17 evidence will establish such disease and/or condition onto such claim
18 without the need for medical evidence from the participants treating
19 physician and/or an independent medical examination by an insurance
20 carrier, self-insurer, the state insurance fund and/or employer as
21 defined in section one hundred thirty-seven of this chapter.

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

24 § 162. Registration of participation in World Trade Center rescue,
25 recovery and clean-up operations. In order for the claim of a partic-

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

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1 participant in World Trade Center rescue, recovery and clean-up operations to
2 come within the application of this article, such participant must file
3 a written and sworn statement with the board on a form promulgated by
4 the chair indicating the dates and locations of such participation and
5 the name of such participant's employer during the period of partic-
6 ipation. Such statement must be filed not later than September eleventh,
7 two thousand [~~twenty-two~~] twenty-five. The board shall transmit a copy
8 of such statement to the employer or carrier named therein. The filing
9 of such a statement shall not be considered the filing of a claim for
10 benefits under this chapter.

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

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

23 § 4. This act shall take effect immediately; provided, however, that
24 section one of this act shall take effect on the ninetieth day after it
25 shall have become a law.