

11599

I N A S S E M B L Y

June 30, 2010

Introduced by COMMITTEE ON RULES -- (at request of M. of A. Lentol) --
read once and referred to the Committee on Labor

AN ACT to amend the workers' compensation law, in relation to the establishment of rates of payment and delivery of health care services

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

1 Section 1. Subdivision 2 of section 13-k of the workers' compensation
2 law, as amended by chapter 473 of the laws of 2000, is amended to read
3 as follows:
4 2. An employee injured under circumstances which make such injury
5 compensable under this article, when care is required for an injury to
6 the foot which injury or resultant condition therefrom may lawfully be
7 treated by a duly registered and licensed podiatrist of the state of New
8 York, may select to treat him or her any podiatrist authorized by the
9 chair to render podiatry care, as hereinafter provided. If the injury or
10 condition is one which is without the limits prescribed by the education
11 law for podiatry care and treatment, or the injuries involved affect
12 other parts of the body in addition to the foot, the said podiatrist
13 must so advise the said injured employee and instruct him or her to
14 consult a physician of said employee's choice for appropriate care and
15 treatment. Such physician shall thenceforth have overall supervision of
16 the treatment of said patient including the future treatment to be
17 administered to the patient by the podiatrist. If for any reason during
18 the period when podiatry treatment and care is required, the employee
19 wishes to transfer his or her treatment and care to another authorized
20 podiatrist he or she may do so, in accordance with rules prescribed by
21 the chair, provided however that the employer shall be liable for the
22 proper fees of the original podiatrist for the care and treatment he or
23 she shall have rendered. A podiatrist licensed and registered to practice
24 podiatry in the state of New York who is desirous of being authorized
25 to render podiatry care under this section and/or to conduct independent
26 medical examinations in accordance with paragraph (b) of
27 subdivision three of this section shall file an application for authorization
28 under this section with the podiatry practice committee. In such

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

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1 application he or she shall agree to refrain from subsequently treating
2 for remuneration, as a private patient, any person seeking podiatry
3 treatment, or submitting to an independent medical examination, in
4 connection with, or as a result of, any injury compensable under this
5 chapter, if he or she has been removed from the list of podiatrists
6 authorized to render podiatry care or to conduct independent medical
7 examinations under this chapter, or if the person seeking such treatment
8 has been transferred from his or her care in accordance with the
9 provisions of this section. This agreement shall run to the benefit of
10 the injured person so treated or examined, and shall be available to him
11 or her as a defense in any action by such podiatrist for payment for
12 treatment rendered by a podiatrist after he or she has been removed from
13 the list of podiatrists authorized to render podiatry care or to conduct
14 independent medical examinations under this section, or after the
15 injured person was transferred from his or her care in accordance with
16 the provisions of this section. The podiatry practice committee if it
17 deems such licensed podiatrist duly qualified shall recommend to the
18 chair that such podiatrist be authorized to render podiatry care and/or
19 to conduct independent medical examinations under this section. Such
20 recommendation shall be advisory to the chair only and shall not be
21 binding or conclusive upon him or her. The chair, IN CONSULTATION WITH
22 THE BOARD'S MEDICAL DIRECTOR, shall BIENNIALY prepare and establish a
23 schedule for the state, or schedules limited to defined localities, of
24 charges and fees for podiatry treatment and care, to be determined in
25 accordance with and to be subject to change pursuant to rules promulgat-
26 ed by the chair. Before preparing such schedule for the state or sched-
27 ules for limited localities the chair shall request the podiatry prac-
28 tice committee to submit to him or her a report on the amount of
29 remuneration deemed by such committee to be fair and adequate for the
30 types of podiatry care to be rendered under this chapter, but consider-
31 ation shall be given to the view of other interested parties. The
32 amounts payable by the employer for such treatment and services shall be
33 the fees and charges established by such schedule.

34 S 2. Subdivision 2 of section 13-1 of the workers' compensation law,
35 as amended by chapter 473 of the laws of 2000, is amended to read as
36 follows:

37 2. An employee injured under circumstances which make such injury
38 compensable under this article, when care is required for an injury
39 which consists solely of a condition which may lawfully be treated by a
40 chiropractor as defined in section sixty-five hundred fifty-one of the
41 education law may select to treat him or her, any duly registered and
42 licensed chiropractor of the state of New York, authorized by the chair
43 to render chiropractic care as hereinafter provided. If the injury or
44 condition is one which is outside the limits prescribed by the education
45 law for chiropractic care and treatment, the said chiropractor must so
46 advise the said injured employee and instruct him or her to consult a
47 physician of said employee's choice for appropriate care and treatment.
48 Such physician shall thenceforth have supervision of the treatment of
49 said condition including the future treatment to be administered to the
50 patient by the chiropractor. A chiropractor licensed and registered to
51 practice chiropractic in the state of New York, who is desirous of being
52 authorized to render chiropractic care under this section and/or to
53 conduct independent medical examinations in accordance with paragraph
54 (b) of subdivision three of this section shall file an application for
55 authorization under this section with the chiropractic practice commit-
56 tee. In such application he or she shall agree to refrain from subse-

1 quently treating for remuneration, as a private patient, any person
2 seeking chiropractic treatment, or submitting to an independent medical
3 examination, in connection with, or as a result of, any injury compensa-
4 ble under this chapter, if he or she has been removed from the list of
5 chiropractors authorized to render chiropractic care or to conduct inde-
6 pendent medical examinations under this chapter, or if the person seek-
7 ing such treatment has been transferred from his or her care in accord-
8 ance with the provisions of this section. This agreement shall run to
9 the benefit of the injured person so treated, or examined, and shall be
10 available to him or her as a defense in any action by such chiropractor
11 for payment rendered by a chiropractor after he or she has been removed
12 from the list of chiropractors authorized to render chiropractic care or
13 to conduct independent medical examinations under this section, or after
14 the injured person was transferred from his or her care in accordance
15 with the provisions of this section. The chiropractic practice committee
16 if it deems such licensed chiropractor duly qualified shall recommend to
17 the chair that such be authorized to render chiropractic care and/or to
18 conduct independent medical examinations under this section. Such recom-
19 mendations shall be advisory to the chair only and shall not be binding
20 or conclusive upon him or her. The chair, IN CONSULTATION WITH THE
21 BOARD'S MEDICAL DIRECTOR, shall BIENNIALY prepare and establish a sche-
22 dule for the state, or schedules limited to defined localities of charg-
23 es and fees for chiropractic treatment and care, to be determined in
24 accordance with and to be subject to change pursuant to rules promulgat-
25 ed by the chair. Before preparing such schedule for the state or sched-
26 ules for limited localities the chair shall request the chiropractic
27 practice committee to submit to him or her a report on the amount of
28 remuneration deemed by such committee to be fair and adequate for the
29 types of chiropractic care to be rendered under this chapter, but
30 consideration shall be given to the view of other interested parties,
31 the amounts payable by the employer for such treatment and services
32 shall be the fees and charges established by such schedule.

33 S 3. Subdivision 3 of section 13-m of the workers' compensation law,
34 as amended by chapter 473 of the laws of 2000, is amended to read as
35 follows:

36 3. A psychologist, licensed and registered to practice psychology in
37 the state of New York, who is desirous of being authorized to render
38 psychological care under this section and/or to conduct independent
39 medical examinations in accordance with paragraph (b) of subdivision
40 four of this section shall file an application for authorization under
41 this section with the psychology practice committee. The applicant shall
42 agree to refrain from subsequently treating for remuneration, as a
43 private patient, any person seeking psychological treatment, or submit-
44 ting to an independent medical examination, in connection with, or as a
45 result of, any injury compensable under this chapter, if he or she has
46 been removed from the list of psychologists authorized to render psycho-
47 logical care under this chapter. This agreement shall run to the benefit
48 of the injured person so treated, and shall be available as a defense in
49 any action by such psychologist for payment for treatment rendered by
50 such psychologist after being removed from the list of psychologists
51 authorized to render psychological care or to conduct independent
52 medical examinations under this section. The psychology practice commit-
53 tee if it deems such licensed psychologist duly qualified shall recom-
54 mend to the chair that such person be authorized to render psychological
55 care and/or to conduct independent medical examinations under this
56 section. Such recommendations shall be only advisory to the chair and

1 shall not be binding or conclusive. The chair, IN CONSULTATION WITH THE
2 BOARD'S MEDICAL DIRECTOR, shall BIENNIALY prepare and establish a sche-
3 dule for the state or schedules limited to defined localities of charges
4 and fees for psychological treatment and care, to be determined in
5 accordance with and be subject to change pursuant to rules promulgated
6 by the chair. Before preparing such schedule for the state or schedules
7 for limited localities the chair shall request the psychology practice
8 committee to submit to such chair a report on the amount of remuneration
9 deemed by such committee to be fair and adequate for the types of
10 psychological care to be rendered under this chapter, but consideration
11 shall be given to the view of other interested parties. The amounts
12 payable by the employer for such treatment and services shall be the
13 fees and charges established by such schedule.

14 S 4. Notwithstanding the provisions of section one, two or three of
15 this act or of any other law, rule or regulation to the contrary, a
16 revision to the fee schedules established pursuant to sections 13-k,
17 13-l and 13-m of the workers' compensation law existing as of the effec-
18 tive date of this act shall be published by the chair of the workers'
19 compensation board on behalf of such board no later than thirty days
20 following the effective date of this act in the event the chair of the
21 workers' compensation board had not published revised schedules pursuant
22 to a chapter of the laws of 2010, amending the workers' compensation law
23 relating to the establishment of rates of payment and delivery of health
24 care services, as proposed in legislative bills numbers S. 4631-A and A.
25 4302-A. Subsequent biennial schedules shall be published in final form
26 on January fifteenth every other year. Nothing in this section shall
27 limit the authority of the chair of the workers' compensation board to
28 make adjustments in the fee schedule other than at the biennial publica-
29 tion.

30 S 5. This act shall take effect immediately.