

S T A T E O F N E W Y O R K

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I N S E N A T E

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Introduced by Sen. STACHOWSKI -- read twice and ordered printed, and
when printed to be committed to the Committee on Insurance

AN ACT to amend the insurance law, the workers' compensation law, the
volunteer ambulance workers' benefit law, and the volunteer firefight-
ers' benefit law, in relation to prohibiting certain limitations or
exclusions regarding massage therapy

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

1 Section 1. Subsection (i) of section 3216 of the insurance law is
2 amended by adding a new paragraph 26 to read as follows:
3 (26) NO POLICY WHICH PROVIDES COVERAGE FOR MEDICAL CARE SHALL LIMIT OR
4 EXCLUDE COVERAGE OF CARE IN CONNECTION WITH MASSAGE THERAPY PERFORMED BY
5 A MASSAGE THERAPIST LICENSED PURSUANT TO THE EDUCATION LAW.
6 S 2. Subsection (k) of section 3221 of the insurance law is amended by
7 adding a new paragraph 15 to read as follows:
8 (15) NO GROUP POLICY ISSUED OR DELIVERED IN THIS STATE WHICH PROVIDES
9 COVERAGE FOR MEDICAL CARE SHALL LIMIT OR EXCLUDE COVERAGE OF CARE IN
10 CONNECTION WITH MASSAGE THERAPY PERFORMED BY A MASSAGE THERAPIST
11 LICENSED PURSUANT TO THE EDUCATION LAW.
12 S 3. Section 4303 of the insurance law is amended by adding a new
13 subsection (ff) to read as follows:
14 (FF) NO CONTRACT ISSUED BY A HEALTH SERVICE CORPORATION OR A MEDICAL
15 EXPENSE INDEMNITY CORPORATION WHICH PROVIDES COVERAGE FOR MEDICAL CARE
16 SHALL LIMIT OR EXCLUDE COVERAGE OF CARE IN CONNECTION WITH MASSAGE THER-
17 APY PERFORMED BY A MASSAGE THERAPIST LICENSED PURSUANT TO THE EDUCATION
18 LAW.
19 S 4. Subdivision 1 of section 13-f of the workers' compensation law,
20 as amended by chapter 353 of the laws of 1990, is amended to read as
21 follows:
22 (1) Fees for medical services shall be payable only to a physician or
23 other qualified person permitted by sections thirteen-b, thirteen-k,

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

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1 thirteen-l [and], thirteen-m, AND THIRTEEN-P of this chapter or other
2 authorized provider of health care under the education law or the public
3 health law permitted to render medical care or treatment under this
4 chapter, or to the agent, executor or administrator of the estate of
5 such physician or such other qualified person. Except as provided in
6 section thirteen-d of this chapter, no provider of health care rendering
7 medical care or treatment to a compensation claimant, shall collect or
8 receive a fee from such claimant within this state, but shall have
9 recourse for payment of services rendered only to the employer under the
10 provisions of this chapter. Any compensation claimant who pays a fee to
11 a provider of health care for medical care or treatment under this chap-
12 ter shall have a cause of action against such provider of health care
13 for the recovery of the money paid, which cause of action may be
14 assigned to the chair in trust for the assigning claimant. All such
15 assignments shall run to the chair. The chair may sue the physician, or
16 other authorized provider of health care as herein described on the
17 assigned cause of action with the benefits and subject to the provisions
18 of existing law applying to such actions by the claimant himself or
19 herself. Hospitals shall not be entitled to receive the remuneration
20 paid to physicians on their staff for medical and surgical services.

21 S 5. The workers' compensation law is amended by adding a new section
22 13-p to read as follows:

23 S 13-P. CARE AND TREATMENT OF INJURED EMPLOYEES BY DULY LICENSED
24 MASSAGE THERAPIST. 1. WHERE THE TERM "CHAIR" IS HEREINAFTER USED, IT
25 SHALL BE DEEMED TO MEAN THE CHAIR OF THE WORKERS' COMPENSATION BOARD OF
26 THE STATE OF NEW YORK.

27 2. (A) AN INJURED EMPLOYEE, INJURED UNDER CIRCUMSTANCES WHICH MAKE
28 SUCH INJURY COMPENSABLE UNDER THIS ARTICLE, MAY LAWFULLY BE TREATED,
29 UPON THE REFERRAL OF AN AUTHORIZED PHYSICIAN, BY A MASSAGE THERAPIST,
30 DULY REGISTERED AND LICENSED BY THE STATE OF NEW YORK, AUTHORIZED BY THE
31 CHAIR TO RENDER SUCH SERVICES PURSUANT TO THIS SECTION. SUCH SERVICES
32 SHALL BE WITHIN THE SCOPE OF SUCH THERAPIST'S SPECIALIZED TRAINING AND
33 QUALIFICATIONS AS DEFINED IN ARTICLE ONE HUNDRED FIFTY-FIVE OF THE
34 EDUCATION LAW.

35 (B) MEDICAL BUREAUS, MEDICAL CENTERS JOINTLY OPERATED BY LABOR AND
36 MANAGEMENT REPRESENTATIVES, HOSPITALS AND HEALTH MAINTENANCE ORGANIZA-
37 TIONS, AUTHORIZED TO PROVIDE MEDICAL CARE PURSUANT TO SECTION THIRTEEN-C
38 OF THIS CHAPTER, MAY PROVIDE MASSAGE THERAPY SERVICES WHEN REQUIRED,
39 UPON THE REFERRAL OF AN AUTHORIZED PHYSICIAN, PROVIDED SUCH CARE IS
40 RENDERED BY A DULY REGISTERED, LICENSED AND AUTHORIZED MASSAGE THERA-
41 PIST, AS REQUIRED BY THIS SECTION.

42 (C) A MASSAGE THERAPIST RENDERING SERVICE PURSUANT TO THIS SECTION
43 SHALL MAINTAIN RECORDS OF THE PATIENT'S PHYSICAL CONDITION AND TREAT-
44 MENT, AND SUCH RECORDS OR REPORTS SHALL BE SUBMITTED TO THE CHAIR ON
45 SUCH FORMS AND AT SUCH TIMES AS THE CHAIR MAY REQUIRE.

46 3. A MASSAGE THERAPIST, LICENSED AND REGISTERED TO PRACTICE MASSAGE
47 THERAPY IN THE STATE OF NEW YORK, WHO IS DESIROUS OF BEING AUTHORIZED TO
48 RENDER MASSAGE THERAPY UNDER THIS SECTION IN ACCORDANCE WITH PARAGRAPH
49 (B) OF SUBDIVISION FOUR OF THIS SECTION SHALL FILE AN APPLICATION FOR
50 AUTHORIZATION UNDER THIS SECTION WITH THE MASSAGE THERAPY PRACTICE
51 COMMITTEE. THE APPLICANT SHALL AGREE TO REFRAIN FROM SUBSEQUENTLY TREAT-
52 ING FOR REMUNERATION, AS A PRIVATE PATIENT, ANY PERSON SEEKING MASSAGE
53 THERAPY TREATMENT, OR SUBMITTING TO AN INDEPENDENT MEDICAL EXAMINATION,
54 IN CONNECTION WITH, OR AS A RESULT OF, ANY INJURY COMPENSABLE UNDER THIS
55 CHAPTER, IF HE OR SHE HAS BEEN REMOVED FROM THE LIST OF MASSAGE THERA-
56 PISTS AUTHORIZED TO RENDER MASSAGE THERAPY UNDER THIS CHAPTER. THIS

1 AGREEMENT SHALL RUN TO THE BENEFIT OF THE INJURED PERSON SO TREATED, AND
2 SHALL BE AVAILABLE AS A DEFENSE IN ANY ACTION BY SUCH MASSAGE THERAPIST
3 FOR PAYMENT FOR TREATMENT RENDERED BY SUCH MASSAGE THERAPIST AFTER BEING
4 REMOVED FROM THE LIST OF MASSAGE THERAPISTS AUTHORIZED TO RENDER MASSAGE
5 THERAPY OR TO CONDUCT INDEPENDENT MEDICAL EXAMINATIONS UNDER THIS
6 SECTION. THE MASSAGE THERAPY PRACTICE COMMITTEE IF IT DEEMS SUCH
7 LICENSED MASSAGE THERAPIST DULY QUALIFIED SHALL RECOMMEND TO THE CHAIR
8 THAT SUCH PERSON BE AUTHORIZED TO RENDER MASSAGE THERAPY AND/OR TO
9 CONDUCT INDEPENDENT MEDICAL EXAMINATIONS UNDER THIS SECTION. SUCH RECOM-
10 MENDATIONS SHALL BE ONLY ADVISORY TO THE CHAIR AND SHALL NOT BE BINDING
11 OR CONCLUSIVE. THE CHAIR SHALL PREPARE AND ESTABLISH A SCHEDULE FOR THE
12 STATE OR SCHEDULES LIMITED TO DEFINED LOCALITIES OF CHARGES AND FEES FOR
13 MASSAGE THERAPY, TO BE DETERMINED IN ACCORDANCE WITH AND BE SUBJECT TO
14 CHANGE PURSUANT TO RULES PROMULGATED BY THE CHAIR. BEFORE PREPARING SUCH
15 SCHEDULE FOR THE STATE OR SCHEDULES FOR LIMITED LOCALITIES THE CHAIR
16 SHALL REQUEST THE MASSAGE THERAPY PRACTICE COMMITTEE TO SUBMIT TO SUCH
17 CHAIR A REPORT ON THE AMOUNT OF REMUNERATION DEEMED BY SUCH COMMITTEE TO
18 BE FAIR AND ADEQUATE FOR THE TYPES OF SERVICES TO BE RENDERED UNDER THIS
19 SECTION, BUT CONSIDERATION SHALL BE GIVEN TO THE VIEW OF OTHER INTER-
20 ESTED PARTIES. THE AMOUNTS PAYABLE BY THE EMPLOYER FOR SUCH TREATMENT
21 AND SERVICES SHALL BE THE FEES AND CHARGES ESTABLISHED BY SUCH SCHEDULE.

22 4. (A) NO CLAIM FOR MASSAGE THERAPY SHALL BE VALID AND ENFORCEABLE AS
23 AGAINST THE EMPLOYER OR EMPLOYEES UNLESS WITHIN FORTY-EIGHT HOURS
24 FOLLOWING THE FIRST TREATMENT THE MASSAGE THERAPIST GIVING SUCH SERVICES
25 FURNISHES TO THE EMPLOYER AND DIRECTLY TO THE CHAIR A PRELIMINARY NOTICE
26 OF SUCH INJURY AND TREATMENT, AND WITHIN FIFTEEN DAYS THEREAFTER A MORE
27 COMPLETE REPORT AND SUBSEQUENT THERETO PROGRESS REPORTS AS REQUESTED IN
28 WRITING BY THE CHAIR, BOARD, EMPLOYER OR INSURANCE CARRIER, AT INTERVALS
29 OF NOT LESS THAN THREE WEEKS APART OR AT LESS FREQUENT INTERVALS IF
30 REQUESTED ON FORMS PRESCRIBED BY THE CHAIR. THE BOARD MAY EXCUSE THE
31 FAILURE TO GIVE SUCH NOTICES WITHIN THE DESIGNATED PERIODS WHEN IT FINDS
32 IT TO BE IN THE INTEREST OF JUSTICE TO DO SO.

33 (B) UPON RECEIPT OF THE NOTICE PROVIDED FOR BY PARAGRAPH (A) OF THIS
34 SUBDIVISION, THE EMPLOYER, THE CARRIER, AND THE CLAIMANT EACH SHALL BE
35 ENTITLED TO HAVE THE CLAIMANT EXAMINED BY A QUALIFIED PHYSICIAN, AUTHOR-
36 IZED BY THE CHAIR AND SECTION ONE HUNDRED THIRTY-SEVEN OF THIS CHAPTER,
37 AT A MEDICAL FACILITY CONVENIENT TO THE CLAIMANT, AND REFUSAL BY THE
38 CLAIMANT TO SUBMIT TO SUCH INDEPENDENT MEDICAL EXAMINATION AT SUCH TIME
39 OR TIMES AS MAY REASONABLY BE NECESSARY IN THE OPINION OF THE BOARD
40 SHALL BAR THE CLAIMANT FROM RECOVERING COMPENSATION, FOR ANY PERIOD
41 DURING WHICH HE OR SHE HAS REFUSED TO SUBMIT TO SUCH EXAMINATION.

42 (C) WHERE IT WOULD PLACE AN UNREASONABLE BURDEN UPON THE EMPLOYER OR
43 CARRIER TO ARRANGE FOR, OR FOR THE CLAIMANT TO ATTEND, AN INDEPENDENT
44 MEDICAL EXAMINATION BY AN AUTHORIZED PHYSICIAN, THE EMPLOYER OR CARRIER
45 SHALL ARRANGE FOR SUCH EXAMINATION TO BE PERFORMED BY A QUALIFIED PHYSI-
46 CIAN IN A MEDICAL FACILITY CONVENIENT TO THE CLAIMANT.

47 (D) THE INDEPENDENT PHYSICIAN LICENSED BY THE STATE OF NEW YORK SHALL
48 PROVIDE SUCH REPORTS AND SHALL SUBMIT TO INVESTIGATION AS REQUIRED BY
49 THE CHAIR.

50 (E) IN ORDER TO QUALIFY AS ADMISSIBLE MEDICAL EVIDENCE, FOR PURPOSES
51 OF ADJUDICATING ANY CLAIM UNDER THIS CHAPTER, ANY REPORT SUBMITTED TO
52 THE BOARD BY AN INDEPENDENT PHYSICIAN LICENSED BY THE STATE OF NEW YORK
53 SHALL INCLUDE THE FOLLOWING: (I) A SIGNED STATEMENT CERTIFYING THAT THE
54 REPORT IS A FULL AND TRUTHFUL REPRESENTATION OF THE INDEPENDENT PHYSI-
55 CIAN'S PROFESSIONAL OPINION WITH RESPECT TO THE CLAIMANT'S CONDITION,
56 (II) SUCH PHYSICIAN'S BOARD ISSUED AUTHORIZATION NUMBER, (III) THE NAME

1 OF THE INDIVIDUAL OR ENTITY REQUESTING THE EXAMINATION, (IV) IF APPLICA-
2 BLE, THE REGISTRATION NUMBER AS REQUIRED BY SECTION THIRTEEN-N OF THIS
3 ARTICLE, AND (V) SUCH OTHER INFORMATION AS THE CHAIR MAY REQUIRE BY
4 REGULATION.

5 5. FEES FOR MASSAGE THERAPY SERVICES SHALL BE PAYABLE ONLY TO A DULY
6 AUTHORIZED MASSAGE THERAPIST AS LICENSED IN ARTICLE ONE HUNDRED
7 FIFTY-FIVE OF THE EDUCATION LAW, OR TO THE AGENT, EXECUTOR OR ADMINIS-
8 TRATOR OF THE ESTATE OF SUCH MASSAGE THERAPIST. NO MASSAGE THERAPIST
9 RENDERING TREATMENT TO A COMPENSATION CLAIMANT SHALL COLLECT OR RECEIVE
10 A FEE FROM SUCH CLAIMANT WITHIN THIS STATE, BUT SHALL HAVE RECOURSE FOR
11 PAYMENT OF SERVICES RENDERED ONLY TO THE EMPLOYER UNDER THE PROVISIONS
12 OF THIS SECTION.

13 6. WHENEVER HIS OR HER ATTENDANCE AT A HEARING IS REQUIRED, THE
14 MASSAGE THERAPIST OF THE INJURED EMPLOYEE SHALL BE ENTITLED TO RECEIVE A
15 FEE FROM THE EMPLOYER IN AN AMOUNT TO BE FIXED BY THE BOARD, IN ADDITION
16 TO ANY FEE PAYABLE UNDER SECTION EIGHT THOUSAND ONE OF THE CIVIL PRAC-
17 TICE LAW AND RULES.

18 7. (A) THE PROVISIONS OF SUBDIVISIONS ONE AND THREE OF SECTION THIR-
19 TEEN-G OF THIS ARTICLE WITH RESPECT TO THE CONDITIONS UNDER WHICH A
20 HOSPITAL, PHYSICIAN OR SELF-EMPLOYED PHYSICAL OR OCCUPATIONAL THERAPIST
21 MAY REQUEST PAYMENT OR ARBITRATION OF A BILL, OR UNDER WHICH AN AWARD
22 MAY BE MADE FOR PAYMENT OF SUCH BILL, SHALL BE APPLICABLE TO BILLS
23 RENDERED BY A MASSAGE THERAPIST FOR SERVICES RENDERED TO AN INJURED
24 EMPLOYEE. IF THE PARTIES FAIL TO AGREE AS TO THE MASSAGE THERAPY
25 RENDERED UNDER THIS CHAPTER TO A CLAIMANT, SUCH VALUE SHALL BE DECIDED
26 BY THE MASSAGE THERAPY PRACTICE COMMITTEE AND THE MAJORITY DECISION OF
27 SUCH COMMITTEE SHALL BE CONCLUSIVE UPON THE PARTIES AS TO THE VALUE OF
28 THE SERVICES RENDERED. THE BOARD OR THE CHAIR MAY MAKE AN AWARD NOT IN
29 EXCESS OF THE ESTABLISHED FEE SCHEDULES FOR ANY SUCH BILL OR PART THERE-
30 OF WHICH REMAINS UNPAID IN THE SAME MANNER AS AN AWARD FOR BILLS
31 RENDERED UNDER SUBDIVISIONS ONE AND THREE OF SECTION THIRTEEN-G OF THIS
32 ARTICLE, AND SUCH AWARD MAY BE COLLECTED IN LIKE MANNER AS AN AWARD OF
33 COMPENSATION. THE CHAIR SHALL ASSESS THE SUM OF FIFTY DOLLARS AGAINST
34 THE EMPLOYER FOR EACH SUCH AWARD MADE BY THE BOARD, WHICH SUM SHALL BE
35 PAID INTO THE STATE TREASURY.

36 (B) WHERE A MASSAGE THERAPIST'S BILL HAS BEEN DETERMINED TO BE DUE AND
37 OWING IN ACCORDANCE WITH THE PROVISIONS OF THIS SECTION, THE BOARD SHALL
38 INCLUDE IN THE AMOUNT OF THE AWARD INTEREST OF NOT MORE THAN ONE AND
39 ONE-HALF PERCENT PER MONTH PAYABLE TO THE MASSAGE THERAPIST IN ACCORD-
40 ANCE WITH THE RULES AND REGULATIONS PROMULGATED BY THE BOARD.

41 (C) A PROVIDER INITIATING AN ARBITRATION SHALL PAY A FEE, AS DETER-
42 MINED BY REGULATIONS PROMULGATED BY THE CHAIR, TO BE USED TO COVER THE
43 COSTS RELATED TO THE CONDUCT OF SUCH ARBITRATION. UPON RESOLUTION IN
44 FAVOR OF SUCH PARTY, THE AMOUNT DUE, BASED UPON THE BILL IN DISPUTE,
45 SHALL BE INCREASED BY THE AMOUNT OF THE FEE PAID BY SUCH PARTY. WHERE A
46 PARTIAL AWARD IS MADE, THE AMOUNT DUE, BASED UPON THE BILL IN DISPUTE,
47 SHALL BE INCREASED BY A PART OF SUCH FEE.

48 8. WITHIN THE LIMITS PRESCRIBED BY THE EDUCATION LAW FOR MASSAGE THER-
49 APY, THE REPORT OR TESTIMONY OF AN AUTHORIZED MASSAGE THERAPIST CONCERN-
50 ING THE CONDITION OF AN INJURED EMPLOYEE AND TREATMENT THEREOF SHALL BE
51 DEEMED COMPETENT EVIDENCE AND THE PROFESSIONAL OPINION OF THE MASSAGE
52 THERAPIST AS TO CAUSAL RELATION AND AS TO REQUIRED TREATMENT SHALL BE
53 DEEMED COMPETENT BUT SHALL NOT BE CONTROLLING. NOTHING IN THIS SECTION
54 SHALL BE DEEMED TO DEPRIVE ANY EMPLOYER OR INSURANCE CARRIER OF ANY
55 RIGHT TO A MEDICAL EXAMINATION OR PRESENTATION OF MEDICAL TESTIMONY NOW
56 CONFERRED BY LAW.

1 9. THE CHAIR SHALL PROMULGATE RULES GOVERNING THE PROCEDURE TO BE
2 FOLLOWED BY THOSE RENDERING MASSAGE THERAPY UNDER THIS SECTION, WHICH
3 RULES SO FAR AS PRACTICABLE SHALL CONFORM TO THE RULES PRESENTLY IN
4 EFFECT WITH REFERENCE TO MEDICAL CARE FURNISHED TO CLAIMANTS IN WORKERS'
5 COMPENSATION. IN CONNECTION WITH THE PROMULGATION OF SAID RULES THE
6 CHAIR MAY CONSULT WITH THE MASSAGE THERAPY PRACTICE COMMITTEE AND MAY
7 TAKE INTO CONSIDERATION THE VIEW OF OTHER INTERESTED PARTIES.

8 10. THE CHAIR SHALL APPOINT FOR AND WITH JURISDICTION IN THE ENTIRE
9 STATE OF NEW YORK A SINGLE MASSAGE THERAPY PRACTICE COMMITTEE COMPOSED
10 OF THREE DULY REGISTERED AND LICENSED MASSAGE THERAPISTS. EACH MEMBER
11 OF SAID COMMITTEE SHALL RECEIVE COMPENSATION EITHER ON AN ANNUAL BASIS
12 OR ON A PER DIEM BASIS TO BE FIXED BY THE CHAIR WITHIN AMOUNTS APPROPRI-
13 ATED THEREFOR. ONE OF THE MASSAGE THERAPISTS SHALL BE DESIGNATED BY THE
14 CHAIR AS A PRESIDENT OF THE MASSAGE THERAPY PRACTICE COMMITTEE. NO
15 MEMBER OF THE COMMITTEE SHALL RENDER MASSAGE THERAPY TREATMENT UNDER
16 THIS SECTION NOR BE AN EMPLOYER OR ACCEPT OR PARTICIPATE IN ANY FEE FROM
17 ANY INSURANCE COMPANY AUTHORIZED TO WRITE WORKERS' COMPENSATION INSUR-
18 ANCE IN THIS STATE OR FROM ANY SELF-INSURER, WHETHER SUCH EMPLOYMENT OR
19 FEE RELATES TO A WORKERS' COMPENSATION CLAIM OR OTHERWISE. THE ATTORNEY
20 GENERAL, UPON REQUEST, SHALL ADVISE AND ASSIST SUCH COMMITTEE.

21 11. THE MASSAGE THERAPY PRACTICE COMMITTEE SHALL INVESTIGATE, HEAR AND
22 MAKE FINDINGS WITH RESPECT TO ALL CHARGES AS TO PROFESSIONAL OR OTHER
23 MISCONDUCT OF ANY AUTHORIZED MASSAGE THERAPIST AS HEREIN PROVIDED UNDER
24 RULES AND PROCEDURES TO BE PRESCRIBED BY THE CHAIR AND SHALL REPORT
25 EVIDENCE OF SUCH MISCONDUCT, WITH THEIR FINDINGS AND RECOMMENDATIONS
26 WITH RESPECT THERETO, TO THE CHAIR. THE FINDINGS, DECISION AND RECOM-
27 MENDATION OF SUCH MASSAGE THERAPY PRACTICE COMMITTEE SHALL BE ADVISORY
28 ONLY, AND SHALL NOT BE BINDING OR CONCLUSIVE UPON THE CHAIR. THE CHAIR
29 SHALL REMOVE FROM THE LIST OF MASSAGE THERAPISTS AUTHORIZED TO RENDER
30 MASSAGE THERAPY UNDER THIS CHAPTER OR TO CONDUCT INDEPENDENT MEDICAL
31 EXAMINATIONS IN ACCORDANCE WITH PARAGRAPH (B) OF SUBDIVISION FOUR OF
32 THIS SECTION THE NAME OF ANY MASSAGE THERAPIST WHO HE OR SHE SHALL FIND
33 AFTER REASONABLE INVESTIGATION IS DISQUALIFIED BECAUSE SUCH MASSAGE
34 THERAPIST: (A) HAS BEEN GUILTY OF PROFESSIONAL OR OTHER MISCONDUCT OR
35 INCOMPETENCE IN CONNECTION WITH THE RENDERING OF MASSAGE THERAPY
36 SERVICES, OR (B) HAS EXCEEDED THE LIMITS OF HIS OR HER PROFESSIONAL
37 COMPETENCE IN RENDERING MASSAGE THERAPY SERVICES UNDER THE LAW, OR HAS
38 MADE FALSE STATEMENTS REGARDING QUALIFICATIONS IN THE APPLICATION FOR
39 AUTHORIZATION, OR (C) HAS FAILED TO SUBMIT TIMELY, FULL AND TRUTHFUL
40 REPORTS OF ALL FINDINGS TO THE EMPLOYER AND DIRECTLY TO THE CHAIR OF THE
41 BOARD WITHIN THE TIME LIMITS PROVIDED IN THIS SECTION, OR (D) HAS KNOW-
42 INGLY MADE A FALSE STATEMENT OR REPRESENTATION AS TO A MATERIAL FACT IN
43 ANY MEDICAL REPORT MADE PURSUANT TO THIS CHAPTER OR IN TESTIFYING OR
44 OTHERWISE PROVIDING INFORMATION FOR THE PURPOSES OF THIS CHAPTER, OR (E)
45 HAS SOLICITED OR HAS EMPLOYED ANOTHER TO SOLICIT FOR HIMSELF OR HERSELF
46 OR FOR ANOTHER PROFESSIONAL TREATMENT, EXAMINATION OR CARE OF AN INJURED
47 EMPLOYEE WITH ANY CLAIM UNDER THIS CHAPTER, OR (F) HAS REFUSED TO APPEAR
48 BEFORE, TO TESTIFY, TO SUBMIT TO A DEPOSITION, OR ANSWER UPON REQUEST OF
49 THE CHAIR, BOARD, MASSAGE THERAPY PRACTICE COMMITTEE OR ANY DULY AUTHOR-
50 IZED OFFICER OF THE STATE, ANY LEGAL QUESTION OR PRODUCE ANY RELEVANT
51 BOOK OR PAPER CONCERNING CONDUCT UNDER AN AUTHORIZATION GRANTED UNDER
52 LAW, OR (G) HAS DIRECTLY OR INDIRECTLY REQUESTED, RECEIVED OR PARTIC-
53 IPATED IN THE DIVISION, TRANSFERENCE, ASSIGNMENT, REBATING, SPLITTING OR
54 REFUNDING OF A FEE FOR, OR HAS DIRECTLY OR INDIRECTLY REQUESTED,
55 RECEIVED OR PROFITED BY MEANS OF A CREDIT OR OTHERWISE VALUABLE CONSID-

ERATION AS A COMMISSION, DISCOUNT OR GRATUITY IN CONNECTION WITH THE TREATMENT OF A WORKERS' COMPENSATION CLAIMANT.

12. ANY PERSON WHO VIOLATES OR ATTEMPTS TO VIOLATE, AND ANY PERSON WHO AIDS ANOTHER TO VIOLATE OR ATTEMPTS TO INDUCE HIM OR HER TO VIOLATE THE PROVISIONS OF PARAGRAPH (G) OF SUBDIVISION ELEVEN OF THIS SECTION SHALL BE GUILTY OF A MISDEMEANOR.

13. NOTHING IN THIS SECTION SHALL BE CONSTRUED AS LIMITING IN ANY RESPECT THE POWER OR DUTY OF THE CHAIR TO INVESTIGATE INSTANCES OF MISCONDUCT, EITHER BEFORE OR AFTER INVESTIGATION BY THE MESSAGE THERAPY PRACTICE COMMITTEE, OR TO TEMPORARILY SUSPEND THE AUTHORIZATION OF ANY MESSAGE THERAPIST BELIEVED TO BE GUILTY OF SUCH MISCONDUCT. THE PROVISIONS OF SUBDIVISION ONE OF SECTION THIRTEEN-D OF THIS ARTICLE WHICH ARE NOT INCONSISTENT WITH THE PROVISIONS OF THIS SECTION SHALL BE APPLICABLE AS IF FULLY SET FORTH HEREIN.

14. NOTHING CONTAINED IN THIS SECTION SHALL PROHIBIT MESSAGE THERAPISTS WHO PRACTICE AS PARTNERS, IN GROUPS OR AS A PROFESSIONAL CORPORATION FROM POOLING FEES AND MONEYS RECEIVED, EITHER BY THE PARTNERSHIP, PROFESSIONAL CORPORATION OR GROUP OR BY THE INDIVIDUAL MEMBERS THEREOF, FOR PROFESSIONAL SERVICES FURNISHED BY ANY INDIVIDUAL PROFESSIONAL MEMBER, OR EMPLOYEE OF SUCH PARTNERSHIP, CORPORATION OR GROUP, NOR SHALL THE PROFESSIONALS CONSTITUTING THE PARTNERSHIPS, CORPORATIONS, OR GROUPS BE PROHIBITED FROM SHARING, DIVIDING OR APPORTIONING THE FEES AND MONEYS RECEIVED BY THEM OR BY THE PARTNERSHIP, CORPORATION OR GROUP IN ACCORDANCE WITH A PARTNERSHIP OR OTHER AGREEMENT.

S 6. Subdivision 1 of section 13-n of the workers' compensation law, as added by chapter 473 of the laws of 2000, is amended to read as follows:

1. Any entity which derives income from independent medical examinations performed in accordance with subdivision four of section thirteen-a, subdivision three of section thirteen-k, subdivision three of section thirteen-l [and], subdivision four of section thirteen-m, AND SECTION THIRTEEN-P of this article, whether by employing or contracting with independent examiners to conduct such independent medical examinations or by acting as a referral service or otherwise facilitating such examinations, shall register with the chair by filing a statement of registration containing such information prescribed by the chair in regulation. A fee may be imposed in accordance with regulations promulgated by the chair. Any such fees collected shall be used for the purpose of administering this section.

S 7. Paragraph (f) of subdivision 1 of section 25 of the workers' compensation law, as amended by chapter 635 of the laws of 1996, is amended to read as follows:

(f) Whenever compensation is withheld solely because a controversy exists on the question of liability as between insurance carriers, surety companies, the special disability fund, the special fund for reopened cases, or an employer, the board may direct that any carrier, surety company, the special disability fund, the special fund for reopened cases shall immediately pay compensation and bills for medical care to the extent payable in accordance with sections thirteen-g, thirteen-k, thirteen-l [and], thirteen-m, AND THIRTEEN-P of this chapter, pending determination of such issue. Any such payment or payments shall not be deemed an admission against interest by the carrier, surety company, special disability fund or the special fund for reopened cases. After final determination, the parties shall make the necessary and proper reimbursement including the payment of simple interest at the rate

1 established by section five thousand four of the civil practice law and
2 rules in conformity with such determination.

3 S 8. Subparagraph 2 of paragraph (a) of subdivision 2-b of section 25
4 of the workers' compensation law, as amended by chapter 635 of the laws
5 of 1996, is amended to read as follows:

6 2. Conciliation may also address requests by hospitals, physicians or
7 other health care providers for payment of bills rendered by them in any
8 case, regardless of the expected duration of benefits, pursuant to
9 sections thirteen-g, thirteen-k, thirteen-l [and], thirteen-m, AND THIR-
10 TEEN-P of this article, and regardless of the dollar amount of the bill.

11 S 9. Paragraph (a) of subdivision 1 of section 26-a of the workers'
12 compensation law, as amended by chapter 316 of the laws of 1991, is
13 amended to read as follows:

14 (a) Notwithstanding any other provision of this chapter, when a claim
15 for compensation is filed by an employee, or in case of death by the
16 employee's dependents, and the employer has failed to secure the payment
17 of compensation in accordance with section fifty of this chapter, to
18 make deposit of security in accordance with section twenty-six of this
19 [chapter] ARTICLE and to make payment of compensation into the fund
20 created under this section according to the terms of any award includ-
21 ing, without limitation, awards made pursuant to subdivision five of
22 section thirteen-g, subdivision two of section thirteen-f, subdivision
23 five of section thirteen-k, subdivision five of section thirteen-l
24 [and], subdivision six of section thirteen-m, AND SECTION THIRTEEN-P of
25 this article, payment of the award shall be promptly made from the fund
26 created under this section in accordance with the terms thereof and the
27 provisions of subdivision three of this section. The employer shall be
28 liable with the fund for payment of the award. Where the employer is a
29 corporation the president, secretary and treasurer thereof shall also be
30 personally, jointly and severally liable with the corporation for
31 payment of the award. The employer shall pay the award into the fund, in
32 accordance with the time limitations contained in section twenty-five of
33 this article.

34 S 10. Section 232 of the workers' compensation law, as amended by
35 chapter 270 of the laws of 1990, is amended to read as follows:

36 S 232. Fees of physicians, podiatrists, chiropractors, dentists,
37 MASSAGE THERAPISTS, and psychologists. Whenever his or her attendance at
38 a hearing before the board or its referees is required, the attending
39 physician or attending podiatrist or attending chiropractor or attending
40 dentist or attending psychologist or attending certified nurse midwife
41 of the disabled employee, except such physicians as are disqualified
42 from testifying pursuant to subdivision one of section thirteen-b, or
43 section nineteen-a of this chapter, and except such podiatrists as are
44 disqualified from testifying under the provisions of section thirteen-k,
45 and except such chiropractors as are disqualified from testifying under
46 the provisions of section thirteen-l, and except such psychologists as
47 are disqualified from testifying under the provisions of section thir-
48 teen-m, AND EXCEPT SUCH MASSAGE THERAPISTS AS ARE DISQUALIFIED FROM
49 TESTIFYING UNDER THE PROVISIONS OF SECTION THIRTEEN-P, shall be entitled
50 to receive a fee from the carrier or the fund established under section
51 two hundred fourteen, in an amount as directed and fixed by the board,
52 or its referees, and such fee shall be in addition to any witness fee.

53 S 11. Section 16 of the volunteer ambulance workers' benefit law, as
54 amended by chapter 353 of the laws of 1990, is amended to read as
55 follows:

1 S 16. Treatment and care. A volunteer ambulance worker injured in line
2 of duty shall be entitled to receive medical, surgical, podiatric,
3 chiropractic, psychological, MASSAGE THERAPY, and other attendance and
4 treatment, nurse and hospital service, medicine, crutches, artificial
5 members, devices, appliances, and apparatus, including the replacement
6 and repair thereof, for such period as the nature of the injury or the
7 process of recovery may require and the political subdivision or volun-
8 teer ambulance company liable for the payment of benefits to the volun-
9 teer ambulance worker under this chapter because of such injury shall be
10 liable therefor and the cost thereof shall be audited, raised and paid
11 as provided in section thirty of this chapter. The provisions of
12 sections thirteen to thirteen-m, both inclusive, SECTION THIRTEEN-P, and
13 sections nineteen to nineteen-b, both inclusive, of the workers' compen-
14 sation law, to the extent that such provisions are not inconsistent with
15 this chapter, shall be applicable in relation to any injured volunteer
16 ambulance worker, political subdivision and third persons as fully as if
17 set forth in this chapter.

18 S 12. Section 16 of the volunteer firefighters' benefit law, as
19 amended by chapter 353 of the laws of 1990, is amended to read as
20 follows:

21 S 16. Treatment and care. A volunteer firefighter injured in line of
22 duty shall be entitled to receive medical, surgical, podiatric, chirop-
23 ractic, psychological, MASSAGE THERAPY, and other attendance and treat-
24 ment, nurse and hospital service, medicine, crutches, artificial
25 members, devices, appliances, and apparatus, including the replacement
26 and repair thereof, for such period as the nature of the injury or the
27 process of recovery may require and the political subdivision liable for
28 the payment of benefits to the volunteer firefighter under this chapter
29 because of such injury shall be liable therefor and the cost thereof
30 shall be audited, raised and paid as provided in section thirty of this
31 chapter. The provisions of sections thirteen to thirteen-m, both inclu-
32 sive, SECTION THIRTEEN-P, and sections nineteen to nineteen-b, both
33 inclusive, of the workers' compensation law, to the extent that such
34 provisions are not inconsistent with this chapter, shall be applicable
35 in relation to any injured volunteer firefighter, political subdivision
36 and third persons as fully as if set forth in this chapter.

37 S 13. This act shall take effect on the ninetieth day after it shall
38 have become a law and shall apply to policies and contracts issued,
39 renewed, modified, altered or amended on or after such date.