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

3908

2009-2010 Regular Sessions

I N S E N A T E

April 3, 2009

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

AN ACT to amend the workers' compensation law, in relation to authorizing as a pilot program certified nurse practitioners to provide certain care and treatment to injured employees; and providing for the repeal of such provisions upon expiration thereof

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

Section 1. The workers' compensation law is amended by adding a new section 13-p to read as follows:

S 13-P. CARE AND TREATMENT OF INJURED EMPLOYEES BY DULY CERTIFIED NURSE PRACTITIONERS. 1. AN INJURED EMPLOYEE INJURED UNDER CIRCUMSTANCES WHICH MAKE SUCH INJURY COMPENSABLE UNDER THIS ARTICLE, WHEN CARE IS REQUIRED FOR AN INJURY WHICH CONSISTS SOLELY OF A CONDITION WHICH MAY LAWFULLY BE TREATED BY A NURSE PRACTITIONER IN ACCORDANCE WITH SECTION SIXTY-NINE HUNDRED TWO OF THE EDUCATION LAW MAY SELECT TO TREAT HIM OR HER, ANY DULY REGISTERED, LICENSED AND CERTIFIED NURSE PRACTITIONER OF THE STATE OF NEW YORK, AUTHORIZED BY THE CHAIR TO RENDER NURSE PRACTITIONER CARE AS PROVIDED IN THIS SECTION. IF THE INJURY OR CONDITION IS ONE WHICH IS OUTSIDE THE LIMITS PRESCRIBED BY THE EDUCATION LAW FOR TREATMENT OR CARE BY SUCH NURSE PRACTITIONER, SUCH NURSE PRACTITIONER SHALL SO ADVISE THE INJURED EMPLOYEE. A NURSE PRACTITIONER CERTIFIED PURSUANT TO SECTION SIXTY-NINE HUNDRED TEN OF THE EDUCATION LAW, WHO IS DESIROUS OF BEING AUTHORIZED TO RENDER NURSE PRACTITIONER CARE UNDER THIS SECTION SHALL FILE AN APPLICATION FOR AUTHORIZATION UNDER THIS SECTION WITH THE NURSE PRACTITIONER COMMITTEE. IN SUCH APPLICATION HE OR SHE SHALL AGREE TO REFRAIN FROM SUBSEQUENTLY TREATING FOR REMUNERATION, AS A PRIVATE PATIENT, ANY PERSON SEEKING TREATMENT FROM SUCH NURSE PRACTITIONER IN CONNECTION WITH, OR AS A RESULT OF, ANY INJURY COMPENSABLE UNDER THIS CHAPTER, IF HE OR SHE HAS BEEN REMOVED FROM THE LIST OF NURSE PRACTITIONERS AUTHORIZED TO RENDER NURSE PRACTITIONER CARE UNDER

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

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THIS CHAPTER, OR IF THE PERSON SEEKING SUCH TREATMENT HAS BEEN TRANSFERRED FROM HIS OR HER CARE IN ACCORDANCE WITH THE PROVISIONS OF THIS SECTION, WHICH AGREEMENT SHALL RUN TO THE BENEFIT OF THE INJURED PERSON SO TREATED AND SHALL BE AVAILABLE TO HIM OR HER AS A DEFENSE IN ANY ACTION BY SUCH NURSE PRACTITIONER FOR PAYMENT FOR CARE OR TREATMENT RENDERED BY A NURSE PRACTITIONER AFTER HE OR SHE HAS BEEN REMOVED FROM THE LIST OF NURSE PRACTITIONERS AUTHORIZED TO RENDER NURSE PRACTITIONER CARE UNDER THIS SECTION, OR AFTER THE INJURED PERSON WAS TRANSFERRED FROM HIS OR HER CARE IN ACCORDANCE WITH THE PROVISIONS OF THIS SECTION. THE NURSE PRACTITIONER COMMITTEE IF IT DEEMS SUCH NURSE PRACTITIONER DULY QUALIFIED SHALL RECOMMEND TO THE CHAIR THAT SUCH NURSE PRACTITIONER BE AUTHORIZED TO RENDER NURSE PRACTITIONER CARE UNDER THIS SECTION. SUCH RECOMMENDATIONS SHALL BE ADVISORY TO THE CHAIR ONLY AND SHALL NOT BE BINDING OR CONCLUSIVE UPON HIM OR HER. THE CHAIR SHALL PREPARE AND ESTABLISH A SCHEDULE FOR THE STATE, OR SCHEDULES LIMITED TO DEFINED LOCALITIES, OF CHARGES AND FEES FOR NURSE PRACTITIONER TREATMENT AND CARE DELIVERED BY A TREATING NURSE PRACTITIONER UNDER THIS SECTION, TO BE DETERMINED IN ACCORDANCE WITH AND TO BE SUBJECT TO CHANGE PURSUANT TO RULES PROMULGATED BY THE CHAIR. BEFORE PREPARING SUCH SCHEDULE FOR THE STATE OR SCHEDULES FOR LIMITED LOCALITIES, THE CHAIR SHALL REQUEST THE NURSE PRACTITIONER COMMITTEE TO SUBMIT TO HIM OR HER A REPORT ON THE AMOUNT OF REMUNERATION DEEMED BY SUCH COMMITTEE TO BE FAIR AND ADEQUATE FOR THE TYPES OF NURSE PRACTITIONER CARE AND TREATMENT TO BE RENDERED UNDER THIS SECTION, BUT CONSIDERATION SHALL BE GIVEN TO THE VIEW OF OTHER INTERESTED PARTIES, THE AMOUNTS PAYABLE BY THE EMPLOYER FOR SUCH TREATMENT AND SERVICES SHALL BE THE FEES AND CHARGES ESTABLISHED BY SUCH SCHEDULE.

2. NO CLAIM FOR NURSE PRACTITIONER TREATMENT OR CARE MADE PURSUANT TO THIS SECTION SHALL BE VALID AND ENFORCEABLE AS AGAINST THE EMPLOYER OR EMPLOYEES UNLESS WITHIN FORTY-EIGHT HOURS FOLLOWING THE FIRST TREATMENT THE NURSE PRACTITIONER GIVING SUCH CARE OR TREATMENT FURNISHED TO THE EMPLOYER AND DIRECTLY TO THE CHAIR A PRELIMINARY NOTICE OF SUCH INJURY AND TREATMENT, AND WITHIN FIFTEEN DAYS THEREAFTER A MORE COMPLETE REPORT AND SUBSEQUENT THERETO PROGRESS REPORTS AS REQUESTED IN WRITING BY THE CHAIR, BOARD, EMPLOYER OR INSURANCE CARRIER, AT INTERVALS OF NOT LESS THAN THREE WEEKS APART OR AT LESS FREQUENT INTERVALS IF REQUESTED ON FORMS PRESCRIBED BY THE CHAIR. THE BOARD MAY EXCUSE THE FAILURE TO FILE SUCH NOTICES WITHIN THE DESIGNATED PERIODS WHEN IT FINDS IT TO BE IN THE INTEREST OF JUSTICE TO DO SO. UPON RECEIPT OF THE NOTICE PROVIDED IN THIS SUBDIVISION, THE EMPLOYER SHALL BE ENTITLED TO HAVE THE CLAIMANT EXAMINED BY A QUALIFIED PHYSICIAN AT A PLACE REASONABLY CONVENIENT TO THE CLAIMANT AND IN THE PRESENCE OF THE CLAIMANT'S NURSE PRACTITIONER, AND THE REFUSAL OF THE CLAIMANT TO SUBMIT TO SUCH EXAMINATION AT SUCH TIME OR TIMES AS MAY REASONABLY BE NECESSARY IN THE OPINION OF THE BOARD SHALL BAR THE CLAIMANT FROM RECOVERING COMPENSATION, FOR ANY PERIOD DURING WHICH HE OR SHE HAS REFUSED TO SUBMIT TO SUCH EXAMINATION.

3. FEES FOR NURSE PRACTITIONER SERVICES RENDERED PURSUANT TO THIS SECTION SHALL BE PAYABLE ONLY TO A DULY AUTHORIZED NURSE PRACTITIONER AS DEFINED IN THIS SECTION, OR TO THE AGENT, EXECUTOR OR ADMINISTRATOR OF THE ASSETS OF SUCH NURSE PRACTITIONER, INCLUDING A PHYSICIAN ASSOCIATED WITH SUCH NURSE PRACTITIONER. NO NURSE PRACTITIONER RENDERING TREATMENT TO A COMPENSATION CLAIMANT PURSUANT TO THIS SECTION SHALL COLLECT OR RECEIVE A FEE FROM SUCH CLAIMANT WITHIN THIS STATE, BUT SHALL HAVE RECOURSE FOR PAYMENT ONLY TO THE EMPLOYER UNDER THE PROVISIONS OF THIS SECTION.

4. WHENEVER HIS OR HER ATTENDANCE AT A HEARING IS REQUIRED, THE NURSE PRACTITIONER OF THE INJURED EMPLOYEE SHALL BE ENTITLED TO RECEIVE A FEE FROM THE EMPLOYER IN AN AMOUNT TO BE FIXED BY THE BOARD, IN ADDITION TO ANY FEE PAYABLE UNDER SECTION EIGHT THOUSAND ONE OF THE CIVIL PRACTICE LAW AND RULES.

5. THE PROVISIONS OF SUBDIVISIONS ONE AND THREE OF SECTION THIRTEEN-G OF THIS ARTICLE WITH RESPECT TO THE CONDITIONS UNDER WHICH A HOSPITAL, PHYSICIAN OR SELF-EMPLOYED PHYSICAL OR OCCUPATIONAL THERAPIST MAY REQUEST PAYMENT OR ARBITRATION OF A BILL, OR UNDER WHICH AN AWARD MAY BE MADE FOR PAYMENT OF SUCH BILL, SHALL BE APPLICABLE TO BILLS RENDERED BY A NURSE PRACTITIONER FOR SERVICES RENDERED TO AN INJURED EMPLOYEE PURSUANT TO THIS SECTION. IF THE PARTIES FAIL TO AGREE AS TO THE NURSE PRACTITIONER CARE RENDERED UNDER THIS SECTION TO A CLAIMANT SUCH VALUE SHALL BE DECIDED BY THE NURSE PRACTITIONER COMMITTEE AND THE MAJORITY DECISION OF SUCH COMMITTEE SHALL BE CONCLUSIVE UPON THE PARTIES AS TO THE VALUE OF THE SERVICES RENDERED. THE BOARD OR THE CHAIR MAY MAKE AN AWARD NOT IN EXCESS OF THE ESTABLISHED FEE SCHEDULES FOR ANY SUCH BILL OR PART THEREOF WHICH REMAINS UNPAID IN THE SAME MANNER AS AN AWARD FOR BILLS RENDERED UNDER SUBDIVISIONS ONE AND THREE OF SECTION THIRTEEN-G OF THIS ARTICLE, AND SUCH AWARD MAY BE COLLECTED IN LIKE MANNER AS AN AWARD OF COMPENSATION.

WHERE A NURSE PRACTITIONER'S BILL HAS BEEN DETERMINED TO BE DUE AND OWING IN ACCORDANCE WITH THE PROVISIONS OF THIS SECTION THE BOARD SHALL INCLUDE IN THE AMOUNT OF THE AWARD INTEREST OF NOT MORE THAN ONE AND ONE-HALF PERCENT PER MONTH PAYABLE TO THE NURSE PRACTITIONER IN ACCORDANCE WITH THE RULES AND REGULATIONS PROMULGATED BY THE BOARD. THE CHAIR SHALL ASSESS THE SUM OF FIFTY DOLLARS AGAINST THE EMPLOYER FOR EACH SUCH AWARD MADE BY THE BOARD, WHICH SUM SHALL BE PAID INTO THE STATE TREASURY.

A NURSE PRACTITIONER INITIATING AN ARBITRATION PURSUANT TO THIS SECTION SHALL PAY A FEE, AS DETERMINED BY REGULATIONS PROMULGATED BY THE CHAIR TO BE USED TO COVER THE COSTS RELATED TO THE CONDUCT OF SUCH ARBITRATION. UPON RESOLUTION IN FAVOR OF SUCH PARTY, THE AMOUNT DUE, BASED UPON THE BILL IN DISPUTE, SHALL BE INCREASED BY THE AMOUNT OF THE FEE PAID BY SUCH PARTY. WHERE A PARTIAL AWARD IS MADE, THE AMOUNT DUE, BASED UPON THE BILL IN DISPUTE, SHALL BE INCREASED BY A PART OF SUCH FEE.

6. WITHIN THE LIMITS PRESCRIBED BY THE EDUCATION LAW FOR NURSE PRACTITIONER CARE AND TREATMENT, THE REPORT OR TESTIMONY OF AN AUTHORIZED NURSE PRACTITIONER CONCERNING THE CONDITION OF AN INJURED EMPLOYEE AND TREATMENT THEREOF SHALL BE DEEMED COMPETENT EVIDENCE AND THE PROFESSIONAL OPINION OF THE NURSE PRACTITIONER AS TO CAUSAL RELATION AND AS TO REQUIRED TREATMENT SHALL BE DEEMED COMPETENT BUT SHALL NOT BE CONTROLLING. NOTHING IN THIS SECTION SHALL BE DEEMED TO DEPRIVE ANY EMPLOYER OR INSURANCE CARRIER OF ANY RIGHT TO MEDICAL EXAMINATION OR PRESENTATION OF MEDICAL TESTIMONY NOW CONFERRED BY LAW.

7. THE CHAIR SHALL PROMULGATE RULES GOVERNING THE PROCEDURE TO BE FOLLOWED BY THOSE RENDERING NURSE PRACTITIONER CARE UNDER THIS SECTION, WHICH RULES SO FAR AS PRACTICABLE SHALL CONFORM TO THE RULES IN EFFECT ON THE EFFECTIVE DATE OF THIS SECTION WITH REFERENCE TO MEDICAL CARE FURNISHED TO CLAIMANTS IN WORKERS' COMPENSATION. IN CONNECTION WITH THE PROMULGATION OF SUCH RULES THE CHAIR MAY CONSULT THE NURSE PRACTITIONER COMMITTEE AND MAY TAKE INTO CONSIDERATION THE VIEW OF OTHER INTERESTED PARTIES.

8. THE CHAIR SHALL APPOINT FOR AND WITH JURISDICTION IN THE ENTIRE STATE OF NEW YORK A SINGLE NURSE PRACTITIONER COMMITTEE COMPOSED OF TWO DULY LICENSED PHYSICIANS AND THREE DULY REGISTERED, LICENSED AND CERTI-

FIED NURSE PRACTITIONERS OF THE STATE OF NEW YORK. ONE SUCH NURSE PRACTITIONER SHALL BE APPOINTED UPON THE RECOMMENDATION OF THE TEMPORARY PRESIDENT OF THE SENATE AND ONE SUCH NURSE PRACTITIONER SHALL BE APPOINTED UPON THE RECOMMENDATION OF THE SPEAKER OF THE ASSEMBLY. EACH MEMBER OF SUCH COMMITTEE SHALL RECEIVE COMPENSATION ON AN ANNUAL BASIS TO BE FIXED BY THE CHAIR WITHIN AMOUNTS APPROPRIATED THEREFOR. ONE SUCH NURSE PRACTITIONER MEMBER SHALL BE DESIGNATED BY THE CHAIR AS A CHAIR OF THE NURSE PRACTITIONER COMMITTEE. NO MEMBER OF SUCH COMMITTEE SHALL RENDER CARE UNDER THIS SECTION NOR BE EMPLOYED OR ACCEPT OR PARTICIPATE IN ANY FEE FROM ANY INSURANCE COMPANY AUTHORIZED TO WRITE WORKERS' COMPENSATION INSURANCE IN THIS STATE OR FROM ANY SELF-INSURER, WHETHER SUCH EMPLOYMENT OR FEE RELATES TO A WORKERS' COMPENSATION CLAIM OR OTHERWISE. THE ATTORNEY GENERAL, UPON REQUEST, SHALL ADVISE AND ASSIST SUCH COMMITTEE.

9. THE NURSE PRACTITIONER COMMITTEE SHALL INVESTIGATE, HEAR AND MAKE FINDINGS WITH RESPECT TO ALL CHARGES AS TO PROFESSIONAL OR OTHER MISCONDUCT OF ANY AUTHORIZED NURSE PRACTITIONER AS PROVIDED IN THIS SUBDIVISION UNDER RULES AND PROCEDURE TO BE PRESCRIBED BY THE CHAIR AND SHALL REPORT EVIDENCE OF SUCH MISCONDUCT, WITH THEIR FINDINGS AND RECOMMENDATIONS WITH RESPECT THERETO, TO THE CHAIR. THE FINDINGS, DECISION AND RECOMMENDATION OF THE NURSE PRACTITIONER COMMITTEE SHALL BE ADVISORY TO THE CHAIR ONLY, AND SHALL NOT BE BINDING OR CONCLUSIVE UPON HIM OR HER. THE CHAIR SHALL REMOVE FROM THE LIST OF NURSE PRACTITIONERS AUTHORIZED TO RENDER NURSE PRACTITIONER CARE UNDER THIS SECTION THE NAME OF ANY NURSE PRACTITIONER WHO HE OR SHE SHALL FIND AFTER REASONABLE INVESTIGATION IS DISQUALIFIED BECAUSE SUCH NURSE PRACTITIONER:

(A) HAS BEEN GUILTY OF PROFESSIONAL OR OTHER MISCONDUCT OR INCOMPETENCE IN CONNECTION WITH NURSE PRACTITIONER SERVICES RENDERED UNDER THE LAW;

(B) HAS EXCEEDED THE LIMITS OF HIS OR HER PROFESSIONAL COMPETENCE IN RENDERING NURSE PRACTITIONER SERVICES UNDER THE LAW, OR HAS MADE FALSE STATEMENTS REGARDING HIS OR HER QUALIFICATIONS IN HIS OR HER APPLICATION FOR AUTHORIZATION;

(C) HAS FAILED TO SUBMIT IN A TIMELY, FULL AND TRUTHFUL MANNER NURSE PRACTITIONER REPORTS OF ALL HIS OR HER FINDINGS TO THE EMPLOYER AND DIRECTLY TO THE CHAIR OF THE BOARD WITHIN THE TIME LIMITS PROVIDED IN THIS SECTION;

(D) HAS KNOWINGLY MADE A FALSE STATEMENT OR REPRESENTATION AS TO A MATERIAL FACT IN ANY MEDICAL REPORT MADE PURSUANT TO THIS CHAPTER OR IN TESTIFYING OR OTHERWISE PROVIDING INFORMATION FOR THE PURPOSES OF THIS CHAPTER;

(E) HAS SOLICITED OR HAS EMPLOYED ANOTHER TO SOLICIT FOR HIMSELF OR HERSELF OR FOR ANOTHER PROFESSIONAL TREATMENT, EXAMINATION OR CARE OF AN INJURED EMPLOYEE WITH ANY CLAIM UNDER THIS CHAPTER;

(F) HAS REFUSED TO APPEAR BEFORE OR ANSWER UPON REQUEST OF THE CHAIR, BOARD, NURSE PRACTITIONER COMMITTEE OR ANY DULY AUTHORIZED OFFICER OF THE STATE, ANY LEGAL QUESTION OR PRODUCE ANY RELEVANT BOOK OR PAPER CONCERNING HIS OR HER CONDUCT UNDER AN AUTHORIZATION GRANTED TO HIM OR HER UNDER THE LAW; OR

(G) HAS DIRECTLY OR INDIRECTLY REQUESTED, RECEIVED OR PARTICIPATED IN THE DIVISION, TRANSFERENCE, ASSIGNMENT, REBATING, SPLITTING OR REFUNDING OF A FEE FOR, OR HAS DIRECTLY OR INDIRECTLY REQUESTED, RECEIVED OR PROFITED BY MEANS OF A CREDIT OR OTHERWISE VALUABLE CONSIDERATION AS A COMMISSION, DISCOUNT OR GRATUITY, IN CONNECTION WITH THE TREATMENT OF A WORKERS' COMPENSATION CLAIMANT. NOTHING CONTAINED IN THIS PARAGRAPH SHALL PROHIBIT SUCH NURSE PRACTITIONERS WHO PRACTICE WITH OTHER NURSE

PRACTITIONERS OR PHYSICIANS AS PARTNERS, IN GROUPS OR AS A PROFESSIONAL CORPORATION, LIMITED LIABILITY COMPANY, OR LIMITED LIABILITY PARTNERSHIP, OR AS A UNIVERSITY FACULTY PRACTICE CORPORATION FROM POOLING FEES AND MONEYS RECEIVED, EITHER BY THE PARTNERSHIP, PROFESSIONAL CORPORATION, LIMITED LIABILITY COMPANY, LIMITED LIABILITY PARTNERSHIP OR GROUP, NOR SHALL THE PROFESSIONALS CONSTITUTING THE PARTNERSHIP, PROFESSIONAL CORPORATION, LIMITED LIABILITY COMPANY, LIMITED LIABILITY PARTNERSHIP OR GROUP BE PROHIBITED FROM SHARING, DIVIDING OR APPORTIONING THE FEES AND MONEYS RECEIVED BY THEM OR BY THE PARTNERSHIP, CORPORATION, LIMITED LIABILITY COMPANY, LIMITED LIABILITY PARTNERSHIP OR GROUP IN ACCORDANCE WITH A PARTNERSHIP OR OTHER AGREEMENT; PROVIDED, HOWEVER, THAT NOTHING IN THE PARAGRAPH SHALL BE CONSTRUED TO AUTHORIZE THE FORMATION OF A PARTNERSHIP, PROFESSIONAL CORPORATION, LIMITED LIABILITY COMPANY, OR LIMITED LIABILITY PARTNERSHIP NOT OTHERWISE AUTHORIZED BY LAW.

10. 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 NINE OF THIS SECTION SHALL BE GUILTY OF A MISDEMEANOR.

11. 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 NURSE PRACTITIONER COMMITTEE OR TO TEMPORARILY SUSPEND THE AUTHORIZATION OF ANY NURSE PRACTITIONER THAT HE OR SHE MAY BELIEVE TO BE GUILTY OF SUCH MISCONDUCT. THE PROVISIONS OF SUBDIVISION ONE OF SECTION THIRTEEN-D OF THIS ARTICLE SHALL BE APPLICABLE AS FULLY AS IF SET FORTH IN THIS SECTION.

12. NOTHING IN THIS SECTION SHALL BE CONSTRUED AS LIMITING IN ANY RESPECT THE AUTHORITY OF A NURSE PRACTITIONER TO DELIVER CARE AND TREATMENT AS AUTHORIZED BY ARTICLE ONE HUNDRED THIRTY-NINE OF THE EDUCATION LAW, OR TO REQUIRE THAT A NURSE PRACTITIONER FILE AN APPLICATION FOR AUTHORIZATION UNDER THIS SECTION.

S 2. Section 141 of the workers' compensation law, as amended by chapter 6 of the laws of 2007, is amended to read as follows:

S 141. General powers and duties of the chair. The chair shall be the administrative head of the workers' compensation board and shall exercise the powers and perform the duties in relation to the administration of this chapter heretofore vested in the commissioner of labor by chapter fifty of the laws of nineteen hundred twenty-one, and acts amendatory thereof, and by this chapter excepting article six thereof, and except in so far as such powers and duties are vested by this chapter in the workers' compensation board. The chair shall preside at all meetings of the board and shall appoint all committees and panels of the board; shall designate the times and places for the hearing of claims under this chapter and shall perform all administrative functions of the board as in this chapter set forth. The chair, in the name of the board, shall enforce all the provisions of this chapter, and may make administrative regulations and orders providing for the receipt, indexing and examining of all notices, claims and reports, for the giving of notice of hearings and of decisions, for certifying of records, for the fixing of the times and places for the hearing of claims, and for providing for the conduct of hearings and establishing of calendar practice to the extent not inconsistent with the rules of the board. The chair shall issue and may revoke certificates of authorization of physicians, chiropractors [and], podiatrists AND NURSE PRACTITIONERS as provided in sections thirteen-a, thirteen-k [and] , thirteen-1 AND THIRTEEN-P of this chapter, and

licenses for medical bureaus and x-ray and other laboratories under the provisions of section thirteen-c of this chapter, issue stop work orders as provided in section one hundred forty-one-a of this article, and shall have and exercise all powers not otherwise provided for herein in relation to the administration of this chapter heretofore expressly conferred upon the commissioner of labor by any of the provisions of this chapter, or of the labor law. The chair, on behalf of the workers' compensation board, shall enter into the agreement provided for in section one hundred seventy-one-h of the tax law, and shall take such other actions as may be necessary to carry out the agreement provided for in such section for matching beneficiary records of workers' compensation with information provided by employers to the state directory of new hires for the purposes of verifying eligibility for such benefits and for administering workers' compensation.

S 3. Subdivisions 1, 2 and 3 of section 217 of the workers' compensation law, subdivision 1 as amended by chapter 167 of the laws of 1999, and subdivisions 2 and 3 as amended by chapter 270 of the laws of 1990, are amended to read as follows:

1. Written notice and proof of disability shall be furnished to the employer by or on behalf of the employee claiming benefits or, in the case of a claimant under section two hundred seven of this article, to the chair, within thirty days after commencement of the period of disability. Additional proof shall be furnished thereafter from time to time as the employer or carrier or chair may require but not more often than once each week. Such proof shall include a statement of disability by the employee's attending physician or attending podiatrist or attending chiropractor or attending dentist or attending psychologist or attending certified nurse midwife OR ATTENDING NURSE PRACTITIONER, or in the case of an employee who adheres to the faith or teachings of any church or denomination, and who in accordance with its creed, tenets or principles depends for healing upon prayer through spiritual means alone in the practice of religion, by an accredited practitioner, containing facts and opinions as to such disability in compliance with regulations of the chair. Failure to furnish notice or proof within the time and in the manner above provided shall not invalidate the claim but no benefits shall be required to be paid for any period more than two weeks prior to the date on which the required proof is furnished unless it shall be shown to the satisfaction of the chair not to have been reasonably possible to furnish such notice or proof and that such notice or proof was furnished as soon as possible; provided, however, that no benefits shall be paid unless the required proof of disability is furnished within twenty-six weeks after commencement of the period of disability. No limitation of time provided in this section shall run as against any person who is mentally incompetent, or physically incapable of providing such notice as a result of a serious medical condition, or a minor so long as such person has no guardian of the person [and/] or property.

2. An employee claiming benefits shall, as requested by the employer or carrier, submit himself or herself at intervals, but not more than once a week, for examination by a physician or podiatrist or chiropractor or dentist or psychologist or certified nurse midwife OR NURSE PRACTITIONER designated by the employer or carrier. All such examinations shall be without cost to the employee and shall be held at a reasonable time and place.

3. The chair may direct the claimant to submit to examination by a physician or podiatrist or chiropractor or dentist or psychologist OR NURSE PRACTITIONER designated by him or her in any case in which the

claim to disability benefits is contested and in claims arising under section two hundred seven OF THIS ARTICLE, and in other cases as the chair or board may require.

S 4. Subdivision 2 of section 205 of the workers' compensation law, as amended by chapter 270 of the laws of 1990, is amended to read as follows:

2. for any period of disability during which an employee is not under the care of a duly licensed physician or with respect to disability resulting from a condition of the foot which may lawfully be treated by a duly registered and licensed podiatrist of the state of New York or with respect to a disability resulting from a condition which may lawfully be treated by a duly registered and licensed chiropractor of the state of New York or with respect to a disability resulting from a condition which may lawfully be treated by a duly licensed dentist of the state of New York or with respect to a disability resulting from a condition which may lawfully be treated by a duly registered and licensed psychologist of the state of New York or with respect to a disability resulting from a condition which may lawfully be treated by a duly certified nurse midwife OR WITH RESPECT TO A DISABILITY RESULTING FROM A CONDITION WHICH MAY LAWFULLY BE TREATED BY A DULY REGISTERED, LICENSED AND CERTIFIED NURSE PRACTITIONER, for any period of such disability during which an employee is neither under the care of a physician nor a podiatrist, nor a chiropractor, nor a dentist, nor a psychologist, nor a certified nurse midwife, NOR A NURSE PRACTITIONER; and for any period of disability during which an employee who adheres to the faith or teachings of any church or denomination and who in accordance with its creed, tenets or principles depends for healing upon prayer through spiritual means alone in the practice of religion, is not under the care of a practitioner duly accredited by the church or denomination, and provided such employee shall submit to all physical examinations as required by this chapter.

S 5. Subdivision 5 of section 220 of the workers' compensation law, as amended by chapter 940 of the laws of 1973, is amended to read as follows:

5. In addition to other penalties [herein] provided IN THIS SECTION, the [chairman] CHAIR shall remove from the list of physicians authorized to render medical care under the provisions of articles one to eight, inclusive, of this chapter and from the list of podiatrists authorized to render podiatric care under section thirteen-k of this chapter, and from the list of chiropractors authorized to render chiropractic care under section thirteen-l of this chapter, AND FROM THE LIST OF NURSE PRACTITIONERS AUTHORIZED TO RENDER NURSE PRACTITIONER CARE UNDER SECTION THIRTEEN-P OF THIS CHAPTER the name of any physician or podiatrist or chiropractor OR NURSE PRACTITIONER whom he OR SHE shall find, after reasonable investigation, has submitted to the employer or carrier or [chairman] CHAIR in connection with any claim for disability benefits under this article, a statement of disability that is not truthful and complete.

S 6. Section 232 of the workers' compensation law, as amended by chapter 270 of the laws of 1990, is amended to read as follows:

S 232. Fees of physicians, podiatrists, chiropractors, dentists, NURSE PRACTITIONERS and psychologists. Whenever his or her attendance at a hearing before the board or its referees is required, the attending physician or attending podiatrist or attending chiropractor or attending dentist or attending psychologist or attending certified nurse midwife OR ATTENDING NURSE PRACTITIONER of the disabled employee, except such

physicians as are disqualified from testifying pursuant to subdivision one of section thirteen-b, or section nineteen-a of this chapter, and except such podiatrists as are disqualified from testifying under the provisions of section thirteen-k OF THIS CHAPTER, and except such chiropractors as are disqualified from testifying under the provisions of section thirteen-l OF THIS CHAPTER, and except such psychologists as are disqualified from testifying under the provisions of section thirteen-m OF THIS CHAPTER, AND EXCEPT SUCH NURSE PRACTITIONERS AS ARE DISQUALIFIED FROM TESTIFYING UNDER THE PROVISIONS OF SECTION THIRTEEN-P OF THIS CHAPTER, shall be entitled to receive a fee from the carrier or the fund established under section two hundred fourteen OF THIS ARTICLE, in an amount as directed and fixed by the board, or its referees, and such fee shall be in addition to any witness fee.

S 7. This act shall take effect immediately and shall expire December 31, 2014 when upon such date the provisions of this act shall be deemed repealed.