

3741

2011-2012 Regular Sessions

I N S E N A T E

March 2, 2011

Introduced by Sen. MAZIARZ -- 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 application of guidelines for medical treatment for injured workers

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

1 Section 1. Subdivision 5 of section 13-a of the workers' compensation
2 law, as amended by chapter 6 of the laws of 2007, is amended to read as
3 follows:
4 (5) No claim for specialist consultations, surgical operations,
5 physiotherapeutic or occupational therapy procedures, x-ray examinations
6 or special diagnostic laboratory tests costing more than one thousand
7 dollars shall be valid and enforceable, as against such employer, unless
8 such special services shall have been authorized by the employer or by
9 the board, or unless such authorization has been unreasonably withheld,
10 or withheld for a period of more than thirty calendar days from receipt
11 of a request for authorization, or unless such special services are
12 required in an emergency, provided, however, that the basis for a denial
13 of such authorization by the employer must be based on a conflicting
14 second opinion rendered by a physician authorized by the board. The
15 board, with the approval of the superintendent of insurance, shall issue
16 and maintain a list of pre-authorized procedures under this section. NO
17 GUIDELINE PROVIDING FOR MEDICAL TREATMENT, OR RULES OR REGULATIONS
18 PERTAINING THERETO, SHALL BE APPLIED BY THE BOARD BY RETROACTIVELY TO
19 CASES WITH A DATE OF ACCIDENT OR DATE OF DISABLEMENT THAT IS PRIOR TO
20 THE DATE OF ANY SUCH GUIDELINE, RULE OR REGULATION.
21 S 2. This act shall take effect immediately.

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

LBD09865-01-1