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

7478

I N  S E N A T E

May 24, 2012

Introduced by Sen. GRISANTI -- 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 chronic care for injured workers

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 138 to read as follows:

S 138. CHRONIC CARE. 1. FOR INJURED WORKERS WHOSE INJURIES ARE DEEMED LONG TERM OR PERMANENT BY THE BOARD, WHERE NO FUNDAMENTAL CHANGE IS REASONABLY ANTICIPATED BY CONTINUED CARE IN ANY SPECIALTY, AND ALL TREATMENT OPTIONS HAVE BEEN EXHAUSTED, THE BOARD MAY APPROVE A MONTHLY DOLLAR ALLOWANCE OR TREATMENT FREQUENCY FOR THE INJURED WORKER TO CONTINUE TO TREAT WITHIN THE SPECIALTY OF HIS OR HER CHOICE FOR THE PURPOSE OF PAIN MANAGEMENT AND/OR SUSTAINING FUNCTIONAL CAPACITY.

2. IF AN INJURED WORKER CHOOSES TO EXCEED THE LEVEL OF TREATMENT RECOMMENDED BY THE BOARD, THE INJURED WORKER SHALL HAVE THE OPTION OF SIGNING A WAIVER AND PAYING THE PROVIDER PRIVATELY FOR THE AMOUNT THAT EXCEEDS THE RECOMMENDATION OF THE BOARD.

S 2. This act shall take effect immediately.

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

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