

S. 5476

A. 7934

2011-2012 Regular Sessions

S E N A T E - A S S E M B L Y

May 25, 2011

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

IN ASSEMBLY -- Introduced by M. of A. TENNEY -- read once and referred to the Committee on Labor

AN ACT to amend the workers' compensation law, in relation to pre-authorized procedures

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.  
17    SUCH LIST OF PRE-AUTHORIZED PROCEDURES SHALL BE ISSUED AND MAINTAINED  
18    FOR THE SOLE PURPOSE OF EXPEDITING AUTHORIZATION OF PATIENT TREATMENT.  
19    SUCH LIST OF PRE-AUTHORIZED PROCEDURES SHALL NOT BE UTILIZED AS MEDICAL  
20    GUIDELINES OR TO DIRECT PATIENT CARE IN ANY WAY NOR SHALL ANY PRE-AU-  
21    THORIZED PROCEDURE BE GIVEN PREFERENCE OVER AN ALTERNATIVE FORM OF  
22    TREATMENT THAT HAS NOT BEEN PLACED ON THE PRE-AUTHORIZED PROCEDURES  
23    LIST.  
24    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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