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

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:

Section 1. Subdivision 5 of section 13-a of the workers' compensation law, as amended by chapter 6 of the laws of 2007, is amended to read as follows:

(5) No claim for specialist consultations, surgical operations, physiotherapeutic or occupational therapy procedures, x-ray examinations or special diagnostic laboratory tests costing more than one thousand dollars shall be valid and enforceable, as against such employer, unless such special services shall have been authorized by the employer or by the board, or unless such authorization has been unreasonably withheld, or withheld for a period of more than thirty calendar days from receipt of a request for authorization, or unless such special services are required in an emergency, provided, however, that the basis for a denial of such authorization by the employer must be based on a conflicting second opinion rendered by a physician authorized by the board. The board, with the approval of the superintendent of insurance, shall issue and maintain a list of pre-authorized procedures under this section. SUCH LIST OF PRE-AUTHORIZED PROCEDURES SHALL BE ISSUED AND MAINTAINED FOR THE SOLE PURPOSE OF EXPEDITING AUTHORIZATION OF PATIENT TREATMENT. SUCH LIST OF PRE-AUTHORIZED PROCEDURES SHALL NOT BE UTILIZED AS MEDICAL GUIDELINES OR TO DIRECT PATIENT CARE IN ANY WAY NOR SHALL ANY PRE-AUTHORIZED PROCEDURE BE GIVEN PREFERENCE OVER AN ALTERNATIVE FORM OF TREATMENT THAT HAS NOT BEEN PLACED ON THE PRE-AUTHORIZED PROCEDURES LIST.

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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