

5950

2013-2014 Regular Sessions

I N A S S E M B L Y

March 8, 2013

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

AN ACT to amend the workers' compensation law, in relation to applica-
tion of guidelines for medical treatment for injured workers

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEM-
BLY, 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 and as further amended
3 by section 104 of part A of chapter 62 of the laws of 2011, is amended
4 to read as follows:
5 (5) No claim for specialist consultations, surgical operations,
6 physiotherapeutic or occupational therapy procedures, x-ray examinations
7 or special diagnostic laboratory tests costing more than one thousand
8 dollars shall be valid and enforceable, as against such employer, unless
9 such special services shall have been authorized by the employer or by
10 the board, or unless such authorization has been unreasonably withheld,
11 or withheld for a period of more than thirty calendar days from receipt
12 of a request for authorization, or unless such special services are
13 required in an emergency, provided, however, that the basis for a denial
14 of such authorization by the employer must be based on a conflicting
15 second opinion rendered by a physician authorized by the board. The
16 board, with the approval of the superintendent of financial services,
17 shall issue and maintain a list of pre-authorized procedures under this
18 section. NO GUIDELINE PROVIDING FOR MEDICAL TREATMENT, OR RULES OR
19 REGULATIONS PERTAINING THERETO, SHALL BE APPLIED BY THE BOARD RETROAC-
20 TIVELY TO CASES WITH A DATE OF ACCIDENT OR DATE OF DISABLEMENT THAT IS
21 PRIOR TO THE DATE OF ANY SUCH GUIDELINE, RULE OR REGULATION.
22 S 2. This act shall take effect immediately.

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

LBD00660-01-3