

6589

2013-2014 Regular Sessions

I N   A S S E M B L Y

April 10, 2013

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Introduced by M. of A. TENNEY, SCARBOROUGH -- Multi-Sponsored by -- M.  
of A. CROUCH -- 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 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. SUCH LIST OF PRE-AUTHORIZED PROCEDURES SHALL BE ISSUED AND  
19    MAINTAINED FOR THE SOLE PURPOSE OF EXPEDITING AUTHORIZATION OF PATIENT  
20    TREATMENT. SUCH LIST OF PRE-AUTHORIZED PROCEDURES SHALL NOT BE UTILIZED  
21    AS MEDICAL GUIDELINES OR TO DIRECT PATIENT CARE IN ANY WAY NOR SHALL ANY  
22    PRE-AUTHORIZED PROCEDURE BE GIVEN PREFERENCE OVER AN ALTERNATIVE FORM OF  
23    TREATMENT THAT HAS NOT BEEN PLACED ON THE PRE-AUTHORIZED PROCEDURES  
24    LIST.  
25    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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