

5950

2013-2014 Regular Sessions

I N   A S S E M B L Y

March 8, 2013

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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.

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