

2438

2015-2016 Regular Sessions

I N A S S E M B L Y

January 16, 2015

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

AN ACT to amend the workers' compensation law, in relation to the establishment of a fee schedule covering the costs of ambulance services provided to injured employees

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 Section 1. Subdivision (a) of section 13 of the workers' compensation
2 law, as amended by chapter 6 of the laws of 2007, is amended to read as
3 follows:
4 (a) The employer shall promptly provide for an injured employee such
5 medical, dental, surgical, optometric or other attendance or treatment,
6 AMBULANCE SERVICES, nurse and hospital service, medicine, optometric
7 services, crutches, eye-glasses, false teeth, artificial eyes, orthot-
8 ics, prosthetic devices, functional assistive and adaptive devices and
9 apparatus for such period as the nature of the injury or the process of
10 recovery may require. The employer shall be liable for the payment of
11 the expenses of medical, dental, surgical, optometric or other attend-
12 ance or treatment, AMBULANCE SERVICES, nurse and hospital service, medi-
13 cine, optometric services, crutches, eye-glasses, false teeth, artifi-
14 cial eyes, orthotics, prosthetic devices, functional assistive and
15 adaptive devices and apparatus, as well as artificial members of the
16 body or other devices or appliances necessary in the first instance to
17 replace, support or relieve a portion or part of the body resulting from
18 and necessitated by the injury of an employee, for such period as the
19 nature of the injury or the process of recovery may require, and the
20 employer shall also be liable for replacements or repairs of such arti-
21 ficial members of the body or such other devices, eye-glasses, false
22 teeth, artificial eyes, orthotics, prosthetic devices, functional assis-
23 tive and adaptive devices or appliances necessitated by ordinary wear or
24 loss or damage to a prosthesis, with or without bodily injury to the

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

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1 employee. Damage to or loss of a prosthetic device shall be deemed an
2 injury except that no disability benefits shall be payable with respect
3 to such injury under section fifteen of this article. Such a replacement
4 or repair of artificial members of the body or such other devices, eye-
5 glasses, false teeth, artificial eyes, orthotics, prosthetic devices,
6 functional assistive and adaptive devices or appliances or the providing
7 of medical treatment and care as defined herein shall not constitute the
8 payment of compensation under section twenty-five-a of this article. All
9 fees and other charges for such treatment and services shall be limited
10 to such charges as prevail in the same community for similar treatment
11 of injured persons of a like standard of living.

12 The chair shall prepare and establish a schedule for the state, or
13 schedules limited to defined localities, of charges and fees for such
14 medical treatment and care, and including all medical, dental, surgical,
15 optometric or other attendance or treatment, nurse and hospital service,
16 medicine, optometric services, crutches, eye-glasses, false teeth, arti-
17 ficial eyes, orthotics, prosthetic devices, functional assistive and
18 adaptive devices and apparatus AND AMBULANCE SERVICES WHICH SHALL BE
19 APPLICABLE TO FEES FOR ALL SUCH SERVICES EXCEPT AIR TRANSPORTATION BY AN
20 AIR CARRIER TO THE EXTENT PREEMPTED BY FEDERAL LAW in accordance with
21 and to be subject to change pursuant to rules promulgated by the chair.
22 Before preparing such schedule for the state or schedules for limited
23 localities the chair shall request the president of the medical society
24 of the state of New York and the president of the New York state osteo-
25 pathic medical society to submit to him or her a report on the amount of
26 remuneration deemed by such society to be fair and adequate for the
27 types of medical care to be rendered under this chapter, but consider-
28 ation shall be given to the view of other interested parties. In the
29 case of physical therapy fees schedules the chair shall request the
30 president of a recognized professional association representing physical
31 therapists in the state of New York to submit to him or her a report on
32 the amount of remuneration deemed by such association to be fair and
33 reasonable for the type of physical therapy services rendered under this
34 chapter, but consideration shall be given to the views of other inter-
35 ested parties. The chair shall also prepare and establish a schedule
36 for the state, or schedules limited to defined localities, of charges
37 and fees for outpatient hospital services not covered under the medical
38 fee schedule previously referred to in this subdivision, to be deter-
39 mined in accordance with and to be subject to change pursuant to rules
40 promulgated by the chair. Before preparing such schedule for the state
41 or schedules for limited localities the chair shall request the presi-
42 dent of the hospital association of New York state to submit to him or
43 her a report on the amount of remuneration deemed by such association to
44 be fair and adequate for the types of hospital outpatient care to be
45 rendered under this chapter, but consideration shall be given to the
46 views of other interested parties. In the case of occupational therapy
47 fees schedules the chair shall request the president of a recognized
48 professional association representing occupational therapists in the
49 state of New York to submit to him or her a report on the amount of
50 remuneration deemed by such association to be fair and reasonable for
51 the type of occupational therapy services rendered under this chapter,
52 but consideration shall be given to the views of other interested
53 parties. The amounts payable by the employer for such treatment and
54 services shall be the fees and charges established by such schedule.
55 Nothing in this schedule, however, shall prevent voluntary payment of
56 amounts higher or lower than the fees and charges fixed therein, but no

1 physician rendering medical treatment or care, and no physical or occu-
2 pational therapist rendering their respective physical or occupational
3 therapy services may receive payment in any higher amount unless such
4 increased amount has been authorized by the employer, or by decision as
5 provided in section thirteen-g of this article. Nothing in this section
6 shall be construed as preventing the employment of a duly authorized
7 physician on a salary basis by an authorized compensation medical bureau
8 or laboratory.

9 S 2. This act shall take effect on the one hundred eightieth day after
10 it shall have become a law.