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

888--A

Cal. No. 827

2015-2016 Regular Sessions

I N S E N A T E

January 7, 2015

Introduced by Sens. AVELLA, PANEPINTO -- read twice and ordered printed, and when printed to be committed to the Committee on Local Government -- reported favorably from said committee, ordered to first and second report, ordered to a third reading, amended and ordered reprinted, retaining its place in the order of third reading

AN ACT to amend the volunteer firefighters' benefit law and the volunteer ambulance workers' benefit law, in relation to the payment of death benefits

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

Section 1. The volunteer firefighters' benefit law is amended by adding a new section 7-b to read as follows:

S 7-B. PAYMENT OF DEATH BENEFITS. 1. ALL DEATH BENEFITS PAYABLE UNDER SECTION SEVEN OF THIS ARTICLE SHALL BE PAID TO THE PERSON OR PERSONS ENTITLED TO SUCH BENEFIT WITHIN NINETY DAYS OF THE DATE SUCH PERSON OR PERSONS FILES AN APPLICATION WITH THE WORKERS' COMPENSATION BOARD TO RECEIVE SUCH BENEFIT, EXCEPT IF THE EMPLOYER OR INSURANCE CARRIER FILES A NOTICE OF CONTROVERSY WITH THE CHAIR OF THE WORKERS' COMPENSATION BOARD IN ACCORDANCE WITH SECTION TWENTY-FIVE OF THE WORKERS' COMPENSATION LAW; PROVIDED THAT IF THERE IS A DISCREPANCY IN THE CLAIM FOR BENEFITS THAT WOULD PREVENT THE CLAIM FROM BEING PROCESSED WITHIN NINETY DAYS, THE WORKERS' COMPENSATION BOARD SHALL PROVIDE WRITTEN NOTICE TO THE CLAIMANT WITHIN SUCH NINETY DAY PERIOD EXPLAINING THE DISCREPANCY AND WHY THE CLAIM CANNOT BE PROCESSED WITHIN THE NINETY DAY PERIOD.

2. THE WORKERS' COMPENSATION BOARD SHALL CONDUCT OUTREACH SERVICES TO PROVIDE COORDINATED INFORMATION TO THE PERSON OR PERSONS ENTITLED TO A DEATH BENEFIT PAYABLE UNDER SECTION SEVEN OF THIS ARTICLE REGARDING ASSISTANCE AVAILABLE TO HELP SUCH PERSON OR PERSONS WITH THE DEATH BENEFIT PROGRAM'S APPLICATION PROCEDURES.

S 2. The volunteer ambulance workers' benefit law is amended by adding a new section 7-b to read as follows:

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

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S 7-B. PAYMENT OF DEATH BENEFITS. 1. ALL DEATH BENEFITS PAYABLE UNDER SECTION SEVEN OF THIS ARTICLE SHALL BE PAID TO THE PERSON OR PERSONS ENTITLED TO SUCH BENEFIT WITHIN NINETY DAYS OF THE DATE SUCH PERSON OR PERSONS FILES AN APPLICATION WITH THE WORKERS' COMPENSATION BOARD TO RECEIVE SUCH BENEFIT, EXCEPT IF THE EMPLOYER OR INSURANCE CARRIER FILES A NOTICE OF CONTROVERSY WITH THE CHAIR OF THE WORKERS' COMPENSATION BOARD IN ACCORDANCE WITH SECTION TWENTY-FIVE OF THE WORKERS' COMPENSATION LAW; PROVIDED THAT IF THERE IS A DISCREPANCY IN THE CLAIM FOR BENEFITS THAT WOULD PREVENT THE CLAIM FROM BEING PROCESSED WITHIN NINETY DAYS, THE WORKERS' COMPENSATION BOARD SHALL PROVIDE WRITTEN NOTICE TO THE CLAIMANT WITHIN SUCH NINETY DAY PERIOD EXPLAINING THE DISCREPANCY AND WHY THE CLAIM CANNOT BE PROCESSED WITHIN THE NINETY DAY PERIOD.

2. THE WORKERS' COMPENSATION BOARD SHALL CONDUCT OUTREACH SERVICES TO PROVIDE COORDINATED INFORMATION TO THE PERSON OR PERSONS ENTITLED TO A DEATH BENEFIT PAYABLE UNDER SECTION SEVEN OF THIS ARTICLE REGARDING ASSISTANCE AVAILABLE TO HELP SUCH PERSON OR PERSONS WITH THE DEATH BENEFIT PROGRAM'S APPLICATION PROCEDURES.

S 3. This act shall take effect immediately.