

5901--A

2015-2016 Regular Sessions

I N   S E N A T E

June 10, 2015

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Introduced by Sen. MARTINS -- read twice and ordered printed, and when printed to be committed to the Committee on Rules -- recommitted to the Committee on Rules in accordance with Senate Rule 6, sec. 8 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the workers' compensation law, the executive law, the insurance law, the civil service law and the penal law, in relation to workers' compensation; and to repeal certain provisions of the workers' compensation law relating thereto

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

1     Section 1. Subdivision 4 of section 10 of the workers' compensation  
2     law is REPEALED.  
3     S 2. Section 12 of the workers' compensation law, as amended by chap-  
4     ter 500 of the laws of 1965, is amended to read as follows:  
5     S 12. Compensation not allowed for first seven days. No compensation  
6     shall be allowed for the first seven days of disability, except the  
7     benefits provided for in section thirteen of this chapter, provided,  
8     however, that in case the injury results in disability of more than  
9     [fourteen] SEVEN days, the compensation shall be allowed from the date  
10    of the disability.  
11    S 3. Subdivision 5 of section 13-a of the workers' compensation law,  
12    as amended by chapter 6 of the laws of 2007 and as further amended by  
13    section 104 of part A of chapter 62 of the laws of 2011, is amended to  
14    read as follows:  
15    (5) No claim for specialist consultations, surgical operations,  
16    physiotherapeutic or occupational therapy procedures, x-ray examinations  
17    or special diagnostic laboratory tests costing more than [one] TWO thou-  
18    sand dollars shall be valid and enforceable, as against such employer,  
19    unless such special services shall have been authorized by the employer  
20    or by the board, or unless such authorization has been unreasonably

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

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1 withheld, or withheld for a period of more than [thirty] SEVEN calendar  
2 days from receipt of a request for authorization, or unless such special  
3 services are required in an emergency, provided, however, that the basis  
4 for a denial of such authorization by the employer must be based on a  
5 conflicting second opinion rendered by a physician authorized by the  
6 board. The board, with the approval of the superintendent of financial  
7 services, shall issue and maintain a list of pre-authorized procedures  
8 under this section. SUCH LIST OF PRE-AUTHORIZED PROCEDURES SHALL BE  
9 ISSUED AND MAINTAINED FOR THE PURPOSE OF EXPEDITING AUTHORIZATION OF  
10 TREATMENT OF INJURED WORKERS. SUCH LIST OF PRE-AUTHORIZED PROCEDURES  
11 SHALL NOT BE CONSTRUED OR RELIED UPON TO SUPPORT THE PREMISE THAT PROCE-  
12 DURES NOT INCLUDED ON THE PRE-AUTHORIZED LIST SHOULD BE DENIED. PRE-AU-  
13 THORIZED PROCEDURES SHALL NOT BE GIVEN PREFERENCE OVER ALTERNATIVE FORMS  
14 OF TREATMENT THAT ARE NOT ON THE PRE-AUTHORIZED PROCEDURES LIST.

15 S 4. Paragraph (c) of subdivision 7 of section 13-a of the workers'  
16 compensation law, as added by chapter 6 of the laws of 2007, is amended  
17 to read as follows:

18 (c) At the time a request for authorization for special diagnostic  
19 tests, x-ray examinations, magnetic resonance imaging or other radiolog-  
20 ical examinations or tests costing more than [one] TWO thousand dollars  
21 as required by subdivision five of this section is approved, the insur-  
22 ance carrier, self-insurer or state insurance fund, or if so delegated  
23 the network with which the insurance carrier, self-insurer or state  
24 insurance fund has contracted, shall notify the physician requesting  
25 authorization of the requirement that the claimant obtain or undergo the  
26 special diagnostic test, x-ray examination, magnetic resonance imaging  
27 or other radiological examination or test with a provider or at a facil-  
28 ity affiliated with the network or networks with which it has  
29 contracted, the contact information for the network and a list of the  
30 providers and facilities within the claimant's geographic location, as  
31 defined by regulation of the board. The claimant, in consultation with  
32 the provider who requested the special diagnostic test, x-ray examina-  
33 tion, magnetic resonance imaging or other radiological test or exam,  
34 will determine the provider or facility from within the network which  
35 will perform such diagnostic test, x-ray examination, magnetic resonance  
36 imaging or other radiological examination or test.

37 S 5. Section 2 of the workers' compensation law is amended by adding a  
38 new subdivision 24 to read as follows:

39 24. "EXAMINER" MEANS AN INDIVIDUAL QUALIFIED AND AUTHORIZED TO PERFORM  
40 INDEPENDENT MEDICAL EXAMINATIONS PURSUANT TO SECTIONS THIRTEEN-B AND  
41 THIRTEEN-BB OF THIS CHAPTER AND REGISTERED WITH THE BOARD PURSUANT TO  
42 SECTION THIRTEEN-BB OF THIS CHAPTER.

43 S 6. The workers' compensation law is amended by adding a new section  
44 13-bb to read as follows:

45 S 13-BB. REGULATION OF INDEPENDENT MEDICAL EXAMINATIONS. 1. (A) THERE  
46 IS HEREBY ESTABLISHED IN THE WORKERS' COMPENSATION BOARD AN ADVISORY  
47 COMMITTEE ON INDEPENDENT MEDICAL EXAMINATIONS WHICH SHALL CONSIST OF  
48 THREE MEMBERS. ONE MEMBER SHALL BE APPOINTED BY THE GOVERNOR; THE CHIEF  
49 EXECUTIVE OFFICERS OF THE NEW YORK STATE AMERICAN FEDERATION OF  
50 LABOR-CONGRESS OF INDUSTRIAL ORGANIZATIONS AND THE BUSINESS COUNCIL OF  
51 NEW YORK STATE SHALL BE MEMBERS BY VIRTUE OF THEIR OFFICES. THE CHIEF  
52 EXECUTIVE OFFICERS OF THE NEW YORK STATE AMERICAN FEDERATION OF  
53 LABOR-CONGRESS OF INDUSTRIAL ORGANIZATIONS AND THE BUSINESS COUNCIL OF  
54 NEW YORK STATE MAY DESIGNATE REPRESENTATIVES TO ACT IN THEIR PLACE OR  
55 STEAD AND ON THEIR BEHALF AS MEMBERS OF SUCH ADVISORY COMMITTEE. IN  
56 ADDITION, THE CHAIR, EXECUTIVE DIRECTOR AND THE COMMISSIONER OF LABOR OR

THEIR DESIGNATED REPRESENTATIVES SHALL BE INVITED TO ATTEND AND PARTICIPATE IN ALL MEETINGS.

(B) IT SHALL BE THE DUTY OF THE ADVISORY COMMITTEE HEREBY ESTABLISHED TO ADVISE, COUNSEL AND CONFER WITH THE CHAIR AND EXECUTIVE DIRECTOR ON MATTERS OF POLICY IN CONNECTION WITH THE ADMINISTRATION AND ENFORCEMENT OF LAWS AND REGULATIONS RELATING TO INDEPENDENT MEDICAL EXAMINATIONS. THE ADVISORY COMMITTEE SHALL SPECIFICALLY EXAMINE THE FREQUENCY OF USE OF INDEPENDENT MEDICAL EXAMINATIONS, THE QUALIFICATIONS OF EXAMINERS, THE EXISTENCE OF CONFLICTS OF INTEREST INVOLVING EXAMINERS AND INDEPENDENT MEDICAL EXAMINATION ORGANIZATIONS, THE FREQUENCY WITH WHICH RECOMMENDATIONS RESULTING FROM INDEPENDENT MEDICAL EXAMINATIONS ARE INVALIDATED OR AMENDED AND THE ADEQUACY OF CONTINUING EDUCATION PROGRAMS FOR EXAMINERS TO ENSURE THAT USE OF INDEPENDENT MEDICAL EXAMINATIONS IS NOT ADVERSELY IMPACTING THE TIMELINESS OR QUALITY OF CARE INJURED WORKERS RECEIVE. THE ADVISORY COMMITTEE SHALL REVIEW EXISTING AND PROPOSED STATE LAWS AND REGULATIONS PERTAINING TO INDEPENDENT MEDICAL EXAMINATIONS AND RECOMMEND TO THE CHAIR, EXECUTIVE DIRECTOR AND THE CHAIRPERSONS OF THE ASSEMBLY AND SENATE STANDING COMMITTEES ON LABOR AND INSURANCE, NECESSARY CHANGES OR ADDITIONS TO LAWS, REGULATIONS AND BOARD PROGRAMS TO IMPROVE MEDICAL CARE FOR INJURED WORKERS, THE EFFECTIVENESS OF THE BOARD'S REGULATION OF INDEPENDENT MEDICAL EXAMINATIONS, EXAMINERS AND INDEPENDENT MEDICAL EXAMINATION ORGANIZATIONS AND ENFORCEMENT ACTIVITIES. THE COMMITTEE SHALL REVIEW AND REVOKE AUTHORIZATIONS OF INDIVIDUAL EXAMINERS IF SUCH EXAMINERS EXHIBIT BIAS, CONFLICTS OF INTEREST OR OTHERWISE FAIL TO UPHOLD THEIR OBLIGATIONS UNDER THIS CHAPTER.

(C) THE CHAIR SHALL ASSIGN STAFF TO ASSIST THE ADVISORY COMMITTEE AS NECESSARY AND SHALL PROVIDE NECESSARY INFORMATION AND SPACE FOR MEETINGS OF THE ADVISORY COMMITTEE. THE ADVISORY COMMITTEE SHALL KEEP A RECORD OF ITS MEETINGS AND RECOMMENDATIONS.

(D) THE ADVISORY COMMITTEE SHALL MEET AT THE CALL OF THE CHAIR OR ANY MEMBER AND AT SUCH OTHER TIMES AS IT MAY DEEM NECESSARY AND AT SUCH PLACES AS MAY BE CONVENIENT. IN ANY EVENT, MEETINGS SHALL BE HELD AT LEAST ONCE PER STATE FISCAL QUARTER. AN INITIAL MEETING SHALL BE HELD WITHIN SIXTY DAYS AFTER THE EFFECTIVE DATE OF THIS SECTION.

2. ALL EXAMINERS AND ALL INDIVIDUALS WITH OWNERSHIP INTERESTS IN INDEPENDENT MEDICAL EXAMINATION ORGANIZATIONS MUST FILE STATEMENTS OF FINANCIAL DISCLOSURE WITH THE BOARD ON AN ANNUAL BASIS AS DESCRIBED IN SUBDIVISION FOUR OF THIS SECTION.

3. THE ANNUAL STATEMENT OF FINANCIAL DISCLOSURE SHALL CONTAIN THE FOLLOWING INFORMATION AND SHALL BE IN THE FORM SET FORTH BELOW:

ANNUAL STATEMENT OF FINANCIAL DISCLOSURE - (FOR CALENDAR YEAR)

1. NAME

2. (A) CHECK ONE

( ) EXAMINER

( ) OWNER OF INDEPENDENT MEDICAL EXAMINATION ORGANIZATION

NAME AND ADDRESS OF INDEPENDENT MEDICAL EXAMINATION  
ORGANIZATION

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(B) ADDRESS OF PRESENT OFFICE

(C) OFFICE TELEPHONE NUMBER

3. (A) MARITAL STATUS

IF MARRIED, PLEASE GIVE SPOUSE'S FULL NAME INCLUDING MAIDEN NAME WHERE APPLICABLE.

(B) LIST THE NAMES OF ALL UNEMANCIPATED CHILDREN.

ANSWER EACH OF THE FOLLOWING QUESTIONS COMPLETELY, WITH RESPECT TO CALENDAR YEAR , UNLESS ANOTHER PERIOD OR DATE IS OTHERWISE SPECIFIED. IF ADDITIONAL SPACE IS NEEDED, ATTACH ADDITIONAL PAGES. WHENEVER A "VALUE" OR "AMOUNT" IS REQUIRED TO BE REPORTED HEREIN, SUCH VALUE OR AMOUNT SHALL BE REPORTED AS BEING WITHIN ONE OF THE FOLLOWING CATEGORIES IN TABLE I OR TABLE II OF THIS SUBDIVISION AS CALLED FOR IN THE QUESTION: A REPORTING INDIVIDUAL SHALL INDICATE THE CATEGORY BY LETTER ONLY. WHENEVER "INCOME" IS REQUIRED TO BE REPORTED HEREIN, THE TERM "INCOME" SHALL MEAN THE AGGREGATE NET INCOME BEFORE TAXES FROM THE SOURCE IDENTIFIED. THE TERM "CALENDAR YEAR" SHALL MEAN THE YEAR ENDING THE DECEMBER 31ST PRECEDING THE DATE OF FILING OF THE ANNUAL STATEMENT.

4. (A) LIST ANY OFFICE, TRUSTEESHIP, DIRECTORSHIP, PARTNERSHIP, OR POSITION OF ANY NATURE, WHETHER COMPENSATED OR NOT, HELD BY THE REPORTING INDIVIDUAL WITH ANY FIRM, CORPORATION, ASSOCIATION, PARTNERSHIP, OR OTHER ORGANIZATION. INCLUDE COMPENSATED HONORARY POSITIONS; DO NOT LIST MEMBERSHIP OR UNCOMPENSATED HONORARY POSITIONS.

POSITION	ORGANIZATION
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(B) LIST ANY OFFICE, TRUSTEESHIP, DIRECTORSHIP, PARTNERSHIP, OR POSITION OF ANY NATURE, WHETHER COMPENSATED OR NOT, HELD BY THE SPOUSE OR UNEMANCIPATED CHILD OF THE REPORTING INDIVIDUAL, WITH ANY FIRM, CORPORATION, ASSOCIATION, PARTNERSHIP, OR OTHER ORGANIZATION. INCLUDE COMPENSATED HONORARY POSITIONS; DO NOT LIST MEMBERSHIP OR UNCOMPENSATED HONORARY POSITIONS.

POSITION	ORGANIZATION
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5. LIST THE NAME, ADDRESS AND DESCRIPTION OF ANY OCCUPATION, EMPLOYMENT (OTHER THAN THE EMPLOYMENT LISTED UNDER ITEM 2 ABOVE), TRADE, BUSINESS OR PROFESSION ENGAGED IN BY THE REPORTING INDIVIDUAL.

NAME & ADDRESS OF ORGANIZATION	POSITION	DESCRIPTION
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6. LIST EACH SOURCE OF GIFTS IN EXCESS OF \$500, RECEIVED DURING THE REPORTING PERIOD FOR WHICH THIS STATEMENT IS FILED BY THE REPORTING INDIVIDUAL OR SUCH INDIVIDUAL'S SPOUSE OR UNEMANCIPATED CHILD FROM THE SAME DONOR, EXCLUDING GIFTS FROM A RELATIVE. INCLUDE THE NAME AND ADDRESS OF THE DONOR. THE TERM "GIFTS" DOES NOT INCLUDE REIMBURSEMENTS, WHICH TERM IS DEFINED IN ITEM 7. INDICATE THE VALUE AND NATURE OF EACH SUCH GIFT.

CATEGORY	SELF, SPOUSE OR CHILD	NAME OF DONOR	NATURE OF GIFT	VALUE OF GIFT
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7. IDENTIFY AND BRIEFLY DESCRIBE THE SOURCE OF ANY REIMBURSEMENTS FOR EXPENDITURES, IN EXCESS OF \$250 FROM EACH SUCH SOURCE. FOR PURPOSES OF

THIS ITEM, THE TERM "REIMBURSEMENTS" SHALL MEAN ANY TRAVEL-RELATED EXPENSES PROVIDED BY SOURCES AND FOR ACTIVITIES RELATED TO THE REPORTING INDIVIDUAL'S OFFICIAL DUTIES SUCH AS, SPEAKING ENGAGEMENTS, CONFERENCES, OR FACT FINDING EVENTS. THE TERM "REIMBURSEMENTS" DOES NOT INCLUDE GIFTS REPORTED UNDER ITEM 6.

SOURCE	DESCRIPTION
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8. LIST THE IDENTITY AND VALUE, IF REASONABLY ASCERTAINABLE, OF EACH INTEREST IN A TRUST, ESTATE OR OTHER BENEFICIAL INTEREST, INCLUDING RETIREMENT PLANS, AND DEFERRED COMPENSATION PLANS (E.G. 401, 403(B), 457, ETC.) ESTABLISHED IN ACCORDANCE WITH THE INTERNAL REVENUE CODE, IN WHICH THE REPORTING INDIVIDUAL HELD A BENEFICIAL INTEREST IN EXCESS OF \$1,000 AT ANY TIME DURING THE PRECEDING YEAR. DO NOT REPORT INTERESTS IN A TRUST, ESTATE OR OTHER BENEFICIAL INTEREST ESTABLISHED BY OR FOR, OR THE ESTATE OF, A RELATIVE.

IDENTITY	CATEGORY OF VALUE*	(IN TABLE II)
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\* THE VALUE OF SUCH INTEREST SHALL BE REPORTED ONLY IF REASONABLY ASCERTAINABLE.

9. LIST BELOW THE NATURE AND AMOUNT OF ANY INCOME IN EXCESS OF \$500 FROM EACH SOURCE FOR THE REPORTING INDIVIDUAL AND SUCH INDIVIDUAL'S SPOUSE FOR THE TAXABLE YEAR LAST OCCURRING PRIOR TO THE DATE OF FILING. EACH SUCH SOURCE MUST BE DESCRIBED WITH PARTICULARITY. INCOME INCLUDES, BUT IS NOT LIMITED TO, ALL INCOME (OTHER THAN THAT RECEIVED FROM THE EMPLOYMENT LISTED UNDER ITEM 2 ABOVE) FROM COMPENSATED EMPLOYMENT WHETHER PUBLIC OR PRIVATE, DIRECTORSHIPS AND OTHER FIDUCIARY POSITIONS, CONTRACTUAL ARRANGEMENTS, TEACHING INCOME, PARTNERSHIPS, HONORARIUMS, LECTURE FEES, CONSULTANT FEES, BANK AND BOND INTEREST, DIVIDENDS, INCOME DERIVED FROM A TRUST, REAL ESTATE RENTS, AND RECOGNIZED GAINS FROM THE SALE OR EXCHANGE OF REAL OR OTHER PROPERTY. INCOME FROM A BUSINESS OR PROFESSION AND REAL ESTATE RENTS SHALL BE REPORTED WITH THE SOURCE IDENTIFIED BY THE BUILDING ADDRESS IN THE CASE OF REAL ESTATE RENTS AND OTHERWISE BY THE NAME OF THE ENTITY AND NOT BY THE NAME OF THE INDIVIDUAL CUSTOMERS, CLIENTS OR TENANTS, WITH THE AGGREGATE NET INCOME BEFORE TAXES FOR EACH BUILDING ADDRESS OR ENTITY. THE RECEIPT OF MAINTENANCE RECEIVED IN CONNECTION WITH A MATRIMONIAL ACTION, ALIMONY AND CHILD SUPPORT PAYMENTS SHALL NOT BE LISTED.

SELF/ SOURCE	NATURE OF INCOME	CATEGORY SPOUSE OF AMOUNT (IN TABLE I)
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10. LIST THE SOURCES OF ANY DEFERRED INCOME (NOT RETIREMENT INCOME) IN EXCESS OF \$500 FROM EACH SOURCE TO BE PAID TO THE REPORTING INDIVIDUAL FOLLOWING THE CLOSE OF THE CALENDAR YEAR FOR WHICH THIS DISCLOSURE STATEMENT IS FILED, OTHER THAN DEFERRED COMPENSATION REPORTED IN ITEM 8 HEREINABOVE. DEFERRED INCOME DERIVED FROM THE PRACTICE OF A PROFESSION SHALL BE LISTED IN THE AGGREGATE AND SHALL IDENTIFY AS THE SOURCE, THE NAME OF THE FIRM, CORPORATION, PARTNERSHIP OR ASSOCIATION THROUGH WHICH THE INCOME WAS DERIVED, BUT SHALL NOT IDENTIFY INDIVIDUAL CLIENTS.

1	SELF/ 2 SOURCE	NATURE OF INCOME	3 4 5 6	CATEGORY SPOUSE OF AMOUNT (IN TABLE I)
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11. LIST EACH ASSIGNMENT OF INCOME IN EXCESS OF \$500, AND EACH TRANSFER OTHER THAN TO A RELATIVE DURING THE REPORTING PERIOD FOR WHICH THIS STATEMENT IS FILED FOR LESS THAN FAIR CONSIDERATION OF AN INTEREST IN A TRUST, ESTATE OR OTHER BENEFICIAL INTEREST, SECURITIES OR REAL PROPERTY, BY THE REPORTING INDIVIDUAL, IN EXCESS OF \$500, WHICH WOULD OTHERWISE BE REQUIRED TO BE REPORTED HEREIN AND IS NOT OR HAS NOT BEEN SO REPORTED.

13	14 SOURCE	ITEM ASSIGNED	15 16 17 18	CATEGORY OF VALUE (IN TABLE I)
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12. LIST BELOW THE TYPE AND MARKET VALUE OF SECURITIES HELD BY THE REPORTING INDIVIDUAL OR SUCH INDIVIDUAL'S SPOUSE FROM EACH ISSUING ENTITY IN EXCESS OF \$1,000 AT THE CLOSE OF THE TAXABLE YEAR LAST OCCURRING PRIOR TO THE DATE OF FILING, INCLUDING THE NAME OF THE ISSUING ENTITY EXCLUSIVE OF SECURITIES HELD BY THE REPORTING INDIVIDUAL ISSUED BY A PROFESSIONAL CORPORATION. WHENEVER AN INTEREST IN SECURITIES EXISTS THROUGH A BENEFICIAL INTEREST IN A TRUST, THE SECURITIES HELD IN SUCH TRUST SHALL BE LISTED ONLY IF THE REPORTING INDIVIDUAL HAS KNOWLEDGE THEREOF EXCEPT WHERE THE REPORTING INDIVIDUAL OR THE REPORTING INDIVIDUAL'S SPOUSE HAS TRANSFERRED ASSETS TO SUCH TRUST FOR HIS OR HER BENEFIT IN WHICH EVENT SUCH SECURITIES SHALL BE LISTED UNLESS THEY ARE NOT ASCERTAINABLE BY THE REPORTING INDIVIDUAL BECAUSE THE TRUSTEE IS UNDER AN OBLIGATION NOT TO DISCLOSE THE CONTENTS OF THE TRUST TO THE REPORTING INDIVIDUAL. SECURITIES OF WHICH THE REPORTING INDIVIDUAL OR THE REPORTING INDIVIDUAL'S SPOUSE IS THE OWNER OF RECORD BUT IN WHICH SUCH INDIVIDUAL OR THE REPORTING INDIVIDUAL'S SPOUSE HAS NO BENEFICIAL INTEREST SHALL NOT BE LISTED. INDICATE PERCENTAGE OF OWNERSHIP ONLY IF THE REPORTING PERSON OR THE REPORTING PERSON'S SPOUSE HOLDS MORE THAN FIVE PERCENT (5%) OF THE STOCK OF A CORPORATION IN WHICH THE STOCK IS PUBLICLY TRADED OR MORE THAN TEN PERCENT (10%) OF THE STOCK OF A CORPORATION IN WHICH THE STOCK IS NOT PUBLICLY TRADED. ALSO LIST SECURITIES OWNED FOR INVESTMENT PURPOSES BY A CORPORATION MORE THAN FIFTY PERCENT (50%) OF THE STOCK OF WHICH IS OWNED OR CONTROLLED BY THE REPORTING INDIVIDUAL OR SUCH INDIVIDUAL'S SPOUSE. FOR THE PURPOSE OF THIS ITEM, THE TERM "SECURITIES" SHALL MEAN MUTUAL FUNDS, BONDS, MORTGAGES, NOTES, OBLIGATIONS, WARRANTS AND STOCKS OF ANY CLASS, INVESTMENT INTERESTS IN LIMITED OR GENERAL PARTNERSHIPS AND CERTIFICATES OF DEPOSITS (CDS) AND SUCH OTHER EVIDENCES OF INDEBTEDNESS AND CERTIFICATES OF INTEREST AS ARE USUALLY REFERRED TO AS SECURITIES. THE MARKET VALUE FOR SUCH SECURITIES SHALL BE REPORTED ONLY IF REASONABLY ASCERTAINABLE AND SHALL NOT BE REPORTED IF THE SECURITY IS AN INTEREST IN A GENERAL PARTNERSHIP THAT WAS LISTED ABOVE OR IF THE SECURITY IS CORPORATE STOCK, NOT PUBLICLY TRADED, IN A TRADE OR BUSINESS OF A REPORTING INDIVIDUAL OR A REPORTING INDIVIDUAL'S SPOUSE.

53	54 SELF/ SPOUSE	ISSUING ENTITY	TYPE OF SECURITY	PERCENTAGE OF OWNERSHIP	CATEGORY OF VALUE (IN TABLE II)
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13. LIST BELOW THE LOCATION, SIZE, GENERAL NATURE, ACQUISITION DATE, MARKET VALUE AND PERCENTAGE OF OWNERSHIP OF ANY REAL PROPERTY IN WHICH ANY VESTED OR CONTINGENT INTEREST IN EXCESS OF \$1,000 IS HELD BY THE REPORTING INDIVIDUAL OR THE REPORTING INDIVIDUAL'S SPOUSE. ALSO LIST REAL PROPERTY OWNED FOR INVESTMENT PURPOSES BY A CORPORATION MORE THAN FIFTY PERCENT (50%) OF THE STOCK OF WHICH IS OWNED OR CONTROLLED BY THE REPORTING INDIVIDUAL OR SUCH INDIVIDUAL'S SPOUSE. DO NOT LIST ANY REAL PROPERTY WHICH IS THE PRIMARY OR SECONDARY PERSONAL RESIDENCE OF THE REPORTING INDIVIDUAL OR THE REPORTING INDIVIDUAL'S SPOUSE, EXCEPT WHERE THERE IS A CO-OWNER WHO IS OTHER THAN A RELATIVE.

SELF/ SPOUSE	LOCATION SIZE	PERCENTAGE OF OWNERSHIP	GENERAL NATURE	ACQUISITION DATE	CATEGORY OF MARKET VALUE (IN TABLE II)
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14. LIST BELOW ALL NOTES AND ACCOUNTS RECEIVABLE, OTHER THAN FROM GOODS OR SERVICES SOLD, HELD BY THE REPORTING INDIVIDUAL AT THE CLOSE OF THE TAXABLE YEAR LAST OCCURRING PRIOR TO THE DATE OF FILING AND OTHER DEBTS OWED TO SUCH INDIVIDUAL AT THE CLOSE OF THE TAXABLE YEAR LAST OCCURRING PRIOR TO THE DATE OF FILING, IN EXCESS OF \$500, INCLUDING THE NAME OF THE DEBTOR, TYPE OF OBLIGATION, DATE DUE AND THE NATURE OF THE COLLATERAL SECURING PAYMENT OF EACH, IF ANY, EXCLUDING SECURITIES REPORTED ABOVE. DEBTS, NOTES AND ACCOUNTS RECEIVABLE OWED TO THE INDIVIDUAL BY A RELATIVE SHALL NOT BE REPORTED.

NAME OF DEBTOR	TYPE OF OBLIGATION	DATE DUE	NATURE OF COLLATERAL	CATEGORY OF AMOUNT (IN TABLE II)
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15. LIST BELOW ALL LIABILITIES OF THE REPORTING INDIVIDUAL AND SUCH INDIVIDUAL'S SPOUSE, IN EXCESS OF \$2,500 AS OF THE DATE OF FILING OF THIS STATEMENT, OTHER THAN LIABILITIES TO A RELATIVE. DO NOT LIST LIABILITIES INCURRED BY, OR GUARANTEES MADE BY, THE REPORTING INDIVIDUAL OR SUCH INDIVIDUAL'S SPOUSE OR BY ANY PROPRIETORSHIP, PARTNERSHIP OR CORPORATION IN WHICH THE REPORTING INDIVIDUAL OR SUCH INDIVIDUAL'S SPOUSE HAS AN INTEREST, WHEN INCURRED OR MADE IN THE ORDINARY COURSE OF THE TRADE, BUSINESS OR PROFESSIONAL PRACTICE OF THE REPORTING INDIVIDUAL OR SUCH INDIVIDUAL'S SPOUSE. INCLUDE THE NAME OF THE CREDITOR AND ANY COLLATERAL PLEDGED BY SUCH INDIVIDUAL TO SECURE PAYMENT OF ANY SUCH LIABILITY. A REPORTING INDIVIDUAL SHALL NOT LIST ANY OBLIGATION TO PAY MAINTENANCE IN CONNECTION WITH A MATRIMONIAL ACTION, ALIMONY OR CHILD SUPPORT PAYMENTS. ANY LOAN ISSUED IN THE ORDINARY COURSE OF BUSINESS BY A FINANCIAL INSTITUTION TO FINANCE EDUCATIONAL COSTS, THE COST OF HOME PURCHASE OR IMPROVEMENTS FOR A PRIMARY OR SECONDARY RESIDENCE, OR PURCHASE OF A PERSONALLY OWNED MOTOR VEHICLE, HOUSEHOLD FURNITURE OR APPLIANCES SHALL BE EXCLUDED. IF ANY SUCH REPORTABLE LIABILITY HAS BEEN GUARANTEED BY ANY THIRD PERSON, LIST THE LIABILITY AND NAME THE GUARANTOR.

NAME OF CREDITOR OR GUARANTOR	TYPE OF LIABILITY OF	COLLATERAL, IF ANY	CATEGORY OF AMOUNT (IN TABLE II)
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THE REQUIREMENTS OF LAW RELATING TO THE REPORTING OF FINANCIAL INTERESTS ARE IN THE PUBLIC INTEREST AND NO ADVERSE INFERENCE OF UNETHICAL OR ILLEGAL CONDUCT OR BEHAVIOR WILL BE DRAWN MERELY FROM COMPLIANCE WITH THESE REQUIREMENTS.

(SIGNATURE OF REPORTING INDIVIDUAL) DATE (MONTH/DAY/YEAR)

## TABLE I

CATEGORY A	NONE
CATEGORY B	\$ 1 TO UNDER \$ 1,000
CATEGORY C	\$ 1,000 TO UNDER \$ 5,000
CATEGORY D	\$ 5,000 TO UNDER \$ 20,000
CATEGORY E	\$ 20,000 TO UNDER \$ 50,000
CATEGORY F	\$ 50,000 TO UNDER \$ 75,000
CATEGORY G	\$ 75,000 TO UNDER \$ 100,000
CATEGORY H	\$ 100,000 TO UNDER \$ 150,000
CATEGORY I	\$ 150,000 TO UNDER \$ 250,000
CATEGORY J	\$ 250,000 TO UNDER \$ 350,000
CATEGORY K	\$ 350,000 TO UNDER \$ 450,000
CATEGORY L	\$ 450,000 TO UNDER \$ 550,000
CATEGORY M	\$ 550,000 TO UNDER \$ 650,000
CATEGORY N	\$ 650,000 TO UNDER \$ 750,000
CATEGORY O	\$ 750,000 TO UNDER \$ 850,000
CATEGORY P	\$ 850,000 TO UNDER \$ 950,000
CATEGORY Q	\$ 950,000 TO UNDER \$ 1,050,000
CATEGORY R	\$ 1,050,000 TO UNDER \$ 1,150,000
CATEGORY S	\$1,150,000 TO UNDER \$1,250,000
CATEGORY T	\$1,250,000 TO UNDER \$1,350,000
CATEGORY U	\$1,350,000 TO UNDER \$1,450,000
CATEGORY V	\$1,450,000 TO UNDER \$1,550,000
CATEGORY W	\$1,550,000 TO UNDER \$1,650,000
CATEGORY X	\$1,650,000 TO UNDER \$1,750,000
CATEGORY Y	\$1,750,000 TO UNDER \$1,850,000
CATEGORY Z	\$1,850,000 TO UNDER \$1,950,000
CATEGORY AA	\$1,950,000 TO UNDER \$2,050,000
CATEGORY BB	\$2,050,000 TO UNDER \$2,150,000
CATEGORY CC	\$2,150,000 TO UNDER \$2,250,000
CATEGORY DD	\$2,250,000 TO UNDER \$2,350,000
CATEGORY EE	\$2,350,000 TO UNDER \$2,450,000
CATEGORY FF	\$2,450,000 TO UNDER \$2,550,000
CATEGORY GG	\$2,550,000 TO UNDER \$2,650,000
CATEGORY HH	\$2,650,000 TO UNDER \$2,750,000
CATEGORY II	\$2,750,000 TO UNDER \$2,850,000
CATEGORY JJ	\$2,850,000 TO UNDER \$2,950,000
CATEGORY KK	\$2,950,000 TO UNDER \$3,050,000
CATEGORY LL	\$3,050,000 TO UNDER \$3,150,000
CATEGORY MM	\$3,150,000 TO UNDER \$3,250,000
CATEGORY NN	\$3,250,000 TO UNDER \$3,350,000
CATEGORY OO	\$3,350,000 TO UNDER \$3,450,000
CATEGORY PP	\$3,450,000 TO UNDER \$3,550,000
CATEGORY QQ	\$3,550,000 TO UNDER \$3,650,000
CATEGORY RR	\$3,650,000 TO UNDER \$3,750,000
CATEGORY SS	\$3,750,000 TO UNDER \$3,850,000
CATEGORY TT	\$3,850,000 TO UNDER \$3,950,000



1	CATEGORY UU	\$3,950,000	TO UNDER	\$4,050,000
2	CATEGORY VV	\$4,050,000	TO UNDER	\$4,150,000
3	CATEGORY WW	\$4,150,000	TO UNDER	\$4,250,000
4	CATEGORY XX	\$4,250,000	TO UNDER	\$4,350,000
5	CATEGORY YY	\$4,350,000	TO UNDER	\$4,450,000
6	CATEGORY ZZ	\$4,450,000	TO UNDER	\$4,550,000
7	CATEGORY AAA	\$4,550,000	TO UNDER	\$4,650,000
8	CATEGORY BBB	\$4,650,000	TO UNDER	\$4,750,000
9	CATEGORY CCC	\$4,750,000	TO UNDER	\$4,850,000
10	CATEGORY DDD	\$4,850,000	TO UNDER	\$4,950,000
11	CATEGORY EEE	\$4,950,000	TO UNDER	\$5,050,000
12	CATEGORY FFF	\$5,050,000	TO UNDER	\$5,150,000
13	CATEGORY GGG	\$5,150,000	TO UNDER	\$5,250,000
14	CATEGORY HHH	\$5,250,000	TO UNDER	\$5,350,000
15	CATEGORY III	\$5,350,000	TO UNDER	\$5,450,000
16	CATEGORY JJJ	\$5,450,000	TO UNDER	\$5,550,000
17	CATEGORY KKK	\$5,550,000	TO UNDER	\$5,650,000
18	CATEGORY LLL	\$5,650,000	TO UNDER	\$5,750,000
19	CATEGORY MMM	\$5,750,000	TO UNDER	\$5,850,000
20	CATEGORY NNN	\$5,850,000	TO UNDER	\$5,950,000
21	CATEGORY OOO	\$5,950,000	TO UNDER	\$6,050,000
22	CATEGORY PPP	\$6,050,000	TO UNDER	\$6,150,000
23	CATEGORY QQQ	\$6,150,000	TO UNDER	\$6,250,000
24	CATEGORY RRR	\$6,250,000	TO UNDER	\$6,350,000
25	CATEGORY SSS	\$6,350,000	TO UNDER	\$6,450,000
26	CATEGORY TTT	\$6,450,000	TO UNDER	\$6,550,000
27	CATEGORY UUU	\$6,550,000	TO UNDER	\$6,650,000
28	CATEGORY VVV	\$6,650,000	TO UNDER	\$6,750,000
29	CATEGORY WWW	\$6,750,000	TO UNDER	\$6,850,000
30	CATEGORY XXX	\$6,850,000	TO UNDER	\$6,950,000
31	CATEGORY YYY	\$6,950,000	TO UNDER	\$7,050,000
32	CATEGORY ZZZ	\$7,050,000	TO UNDER	\$7,150,000
33	CATEGORY AAAA	\$7,150,000	TO UNDER	\$7,250,000
34	CATEGORY BBBB	\$7,250,000	TO UNDER	\$7,350,000
35	CATEGORY CCCC	\$7,350,000	TO UNDER	\$7,450,000
36	CATEGORY DDDD	\$7,450,000	TO UNDER	\$7,550,000
37	CATEGORY EEEE	\$7,550,000	TO UNDER	\$7,650,000
38	CATEGORY FFFF	\$7,650,000	TO UNDER	\$7,750,000
39	CATEGORY GGGG	\$7,750,000	TO UNDER	\$7,850,000
40	CATEGORY HHHH	\$7,850,000	TO UNDER	\$7,950,000
41	CATEGORY IIII	\$7,950,000	TO UNDER	\$8,050,000
42	CATEGORY JJJJ	\$8,050,000	TO UNDER	\$8,150,000
43	CATEGORY KKKK	\$8,150,000	TO UNDER	\$8,250,000
44	CATEGORY LLLL	\$8,250,000	TO UNDER	\$8,350,000
45	CATEGORY MMMM	\$8,350,000	TO UNDER	\$8,450,000
46	CATEGORY NNNN	\$8,450,000	TO UNDER	\$8,550,000
47	CATEGORY OOOO	\$8,550,000	TO UNDER	\$8,650,000
48	CATEGORY PPPP	\$8,650,000	TO UNDER	\$8,750,000
49	CATEGORY QQQQ	\$8,750,000	TO UNDER	\$8,850,000
50	CATEGORY RRRR	\$8,850,000	TO UNDER	\$8,950,000
51	CATEGORY SSSS	\$8,950,000	TO UNDER	\$9,050,000
52	CATEGORY TTTT	\$9,050,000	TO UNDER	\$9,150,000
53	CATEGORY UUUU	\$9,150,000	TO UNDER	\$9,250,000
54	CATEGORY VVVV	\$9,250,000	TO UNDER	\$9,350,000
55	CATEGORY WWWW	\$9,350,000	TO UNDER	\$9,450,000
56	CATEGORY XXXX	\$9,450,000	TO UNDER	\$9,550,000

1 CATEGORY YYYY \$9,550,000 TO UNDER \$9,650,000  
 2 CATEGORY ZZZZ \$9,650,000 TO UNDER \$9,750,000  
 3 CATEGORY AAAAA \$9,750,000 TO UNDER \$9,850,000  
 4 CATEGORY BBBB \$9,850,000 TO UNDER \$9,950,000  
 5 CATEGORY CCCC \$9,950,000 TO UNDER \$10,000,000  
 6 CATEGORY DDDD \$10,000,000 OR OVER

## TABLE II

8 CATEGORY A NONE  
 9 CATEGORY B \$1 TO UNDER \$1,000  
 10 CATEGORY C \$1,000 TO UNDER \$5,000  
 11 CATEGORY D \$5,000 TO UNDER \$20,000  
 12 CATEGORY E \$20,000 TO UNDER \$50,000  
 13 CATEGORY F \$50,000 TO UNDER \$75,000  
 14 CATEGORY G \$75,000 TO UNDER \$100,000  
 15 CATEGORY H \$100,000 TO UNDER \$150,000  
 16 CATEGORY I \$150,000 TO UNDER \$250,000  
 17 CATEGORY J \$250,000 TO UNDER \$500,000  
 18 CATEGORY K \$500,000 TO UNDER \$750,000  
 19 CATEGORY L \$750,000 TO UNDER \$1,000,000  
 20 CATEGORY M \$1,000,000 TO UNDER \$1,250,000  
 21 CATEGORY N \$1,250,000 TO UNDER \$1,500,000  
 22 CATEGORY O \$1,500,000 TO UNDER \$1,750,000  
 23 CATEGORY P \$1,750,000 TO UNDER \$2,000,000  
 24 CATEGORY Q \$2,000,000 TO UNDER \$2,250,000  
 25 CATEGORY R \$2,250,000 TO UNDER \$2,500,000  
 26 CATEGORY S \$2,500,000 TO UNDER \$2,750,000  
 27 CATEGORY T \$2,750,000 TO UNDER \$3,000,000  
 28 CATEGORY U \$3,000,000 TO UNDER \$3,250,000  
 29 CATEGORY V \$3,250,000 TO UNDER \$3,500,000  
 30 CATEGORY W \$3,500,000 TO UNDER \$3,750,000  
 31 CATEGORY X \$3,750,000 TO UNDER \$4,000,000  
 32 CATEGORY Y \$4,000,000 TO UNDER \$4,250,000  
 33 CATEGORY Z \$4,250,000 TO UNDER \$4,500,000  
 34 CATEGORY AA \$4,500,000 TO UNDER \$4,750,000  
 35 CATEGORY BB \$4,750,000 TO UNDER \$5,000,000  
 36 CATEGORY CC \$5,000,000 TO UNDER \$5,250,000  
 37 CATEGORY DD \$5,250,000 TO UNDER \$5,500,000  
 38 CATEGORY EE \$5,500,000 TO UNDER \$5,750,000  
 39 CATEGORY FF \$5,750,000 TO UNDER \$6,000,000  
 40 CATEGORY GG \$6,000,000 TO UNDER \$6,250,000  
 41 CATEGORY HH \$6,250,000 TO UNDER \$6,500,000  
 42 CATEGORY II \$6,500,000 TO UNDER \$6,750,000  
 43 CATEGORY JJ \$6,750,000 TO UNDER \$7,000,000  
 44 CATEGORY KK \$7,000,000 TO UNDER \$7,250,000  
 45 CATEGORY LL \$7,250,000 TO UNDER \$7,500,000  
 46 CATEGORY MM \$7,500,000 TO UNDER \$7,750,000  
 47 CATEGORY NN \$7,750,000 TO UNDER \$8,000,000  
 48 CATEGORY OO \$8,000,000 TO UNDER \$8,250,000  
 49 CATEGORY PP \$8,250,000 TO UNDER \$8,500,000  
 50 CATEGORY QQ \$8,500,000 TO UNDER \$8,750,000  
 51 CATEGORY RR \$8,750,000 TO UNDER \$9,000,000  
 52 CATEGORY SS \$9,000,000 TO UNDER \$9,250,000  
 53 CATEGORY TT \$9,250,000 TO UNDER \$9,500,000  
 54 CATEGORY UU \$9,500,000 OR OVER

55 4. A REPORTING INDIVIDUAL WHO KNOWINGLY AND WILLFULLY FAILS TO FILE AN  
 56 ANNUAL STATEMENT OF FINANCIAL DISCLOSURE OR WHO KNOWINGLY AND WILLFULLY

1 WITH INTENT TO DECEIVE MAKES A FALSE STATEMENT OR GIVES INFORMATION  
2 WHICH SUCH INDIVIDUAL KNOWS TO BE FALSE ON SUCH STATEMENT OF FINANCIAL  
3 DISCLOSURE FILED PURSUANT TO THIS SECTION SHALL BE SUBJECT TO A CIVIL  
4 PENALTY IN AN AMOUNT NOT TO EXCEED FORTY THOUSAND DOLLARS. ASSESSMENT  
5 OF A CIVIL PENALTY HEREUNDER SHALL BE MADE BY THE BOARD.

6 THE BOARD MAY IN LIEU OF OR IN ADDITION TO A CIVIL PENALTY, REFER A  
7 VIOLATION TO THE APPROPRIATE PROSECUTOR AND UPON SUCH CONVICTION, BUT  
8 ONLY AFTER SUCH REFERRAL, SUCH VIOLATION SHALL BE PUNISHABLE AS A CLASS  
9 A MISDEMEANOR. A CIVIL PENALTY FOR FALSE FILING MAY NOT BE IMPOSED HERE-  
10 UNDER IN THE EVENT A CATEGORY OF "VALUE" OR "AMOUNT" REPORTED HEREUNDER  
11 IS INCORRECT UNLESS SUCH REPORTED INFORMATION IS FALSELY UNDERSTATED.  
12 NOTWITHSTANDING ANY OTHER PROVISION OF LAW TO THE CONTRARY, NO OTHER  
13 PENALTY, CIVIL OR CRIMINAL MAY BE IMPOSED FOR A FAILURE TO FILE, OR FOR  
14 A FALSE FILING, OF SUCH STATEMENT, EXCEPT THAT THE BOARD MAY IMPOSE  
15 DISCIPLINARY ACTION AS OTHERWISE PROVIDED BY LAW. THE BOARD SHALL BE  
16 DEEMED TO BE AN AGENCY WITHIN THE MEANING OF ARTICLE THREE OF THE STATE  
17 ADMINISTRATIVE PROCEDURE ACT AND SHALL ADOPT RULES GOVERNING THE CONDUCT  
18 OF ADJUDICATORY PROCEEDINGS AND APPEALS RELATING TO THE ASSESSMENT OF  
19 THE CIVIL PENALTIES HEREIN AUTHORIZED. SUCH RULES, WHICH SHALL BE  
20 SUBJECT TO THE APPROVAL REQUIREMENTS OF THE STATE ADMINISTRATIVE PROCE-  
21 DURE ACT, SHALL PROVIDE FOR DUE PROCESS PROCEDURAL MECHANISMS SUBSTAN-  
22 Tially SIMILAR TO THOSE SET FORTH IN SUCH ARTICLE THREE BUT SUCH MECH-  
23 ANISMS NEED NOT BE IDENTICAL IN TERMS OR SCOPE. ASSESSMENT OF A CIVIL  
24 PENALTY SHALL BE FINAL UNLESS MODIFIED, SUSPENDED OR VACATED WITHIN  
25 THIRTY DAYS OF IMPOSITION AND UPON BECOMING FINAL SHALL BE SUBJECT TO  
26 REVIEW AT THE INSTANCE OF THE AFFECTED REPORTING INDIVIDUAL IN A  
27 PROCEEDING COMMENCED AGAINST THE BOARD, PURSUANT TO ARTICLE  
28 SEVENTY-EIGHT OF THE CIVIL PRACTICE LAW AND RULES.

29 5. NOTWITHSTANDING ANY OTHER PROVISION OF LAW OR ANY PROFESSIONAL  
30 DISCIPLINARY RULE TO THE CONTRARY, THE DISCLOSURE OF THE IDENTITY OF ANY  
31 CLIENT OR CUSTOMER ON A REPORTING INDIVIDUAL'S ANNUAL STATEMENT OF  
32 FINANCIAL DISCLOSURE SHALL NOT CONSTITUTE PROFESSIONAL MISCONDUCT OR A  
33 GROUND FOR DISCIPLINARY ACTION OF ANY KIND, OR FORM THE BASIS FOR ANY  
34 CIVIL OR CRIMINAL CAUSE OF ACTION OR PROCEEDING.

35 6. STARTING JANUARY FIRST, TWO THOUSAND NINETEEN, IN ADDITION TO  
36 REQUIREMENTS SET FORTH IN SECTION THIRTEEN-B OF THIS ARTICLE, EXAMINERS  
37 MUST: (A) TREAT FIFTY PATIENTS PER YEAR; (B) TREAT TEN INJURED WORKERS  
38 PER YEAR; (C) PERFORM TWENTY-FOUR CREDIT HOURS OF CONTINUING EXAMINER  
39 EDUCATION PER YEAR, SIX HOURS OF WHICH MUST FOCUS ON PROFESSIONAL  
40 ETHICS; AND (D) REGISTER WITH THE BOARD ANNUALLY AND SUBMIT AN ANNUAL  
41 REGISTRATION FEE OF FIVE HUNDRED DOLLARS.

42 7. (A) PURSUANT TO THE STATE ADMINISTRATIVE PROCEDURE LAW, ON OR  
43 BEFORE JANUARY FIRST, TWO THOUSAND SIXTEEN, THE CHAIR SHALL PROMULGATE  
44 REGULATIONS ESTABLISHING A STATEWIDE CONTINUING EXAMINER EDUCATION  
45 PROGRAM.

46 (B) ALL CONTINUING EXAMINER EDUCATION COURSES MUST BE ORGANIZED,  
47 TAUGHT AND ADMINISTERED BY BOARD STAFF WITH EXPERTISE IN THE SUBJECT  
48 MATTER OF THE COURSE.

49 (C) COURSES MUST BE PERFORMED AND ATTENDED IN-PERSON.

50 (D) COURSES MUST ADDRESS ONE OR MORE OF THE FOLLOWING TOPICS: PROFES-  
51 SIONAL RESPONSIBILITY, ETHICS AND TECHNOLOGICAL ADVANCEMENTS IN TREAT-  
52 MENT OF INJURED WORKERS.

53 8. (A) THERE IS HEREBY ESTABLISHED IN THE WORKERS' COMPENSATION BOARD  
54 AN OFFICE OF THE INDEPENDENT MEDICAL EXAMINATION INSPECTOR GENERAL.

55 (B) THE OFFICE SHALL BE ADMINISTERED BY AN INDEPENDENT INSPECTOR  
56 GENERAL. ON OR BEFORE JANUARY FIRST, TWO THOUSAND SEVENTEEN, THE INSPEC-

TOR GENERAL SHALL BE APPOINTED BY THE GOVERNOR, WITH THE ADVICE AND CONSENT OF THE SENATE. THE INDEPENDENT MEDICAL EXAMINATION INSPECTOR GENERAL SHALL SERVE FOR A TERM OF TWELVE YEARS. THE INDEPENDENT MEDICAL EXAMINATION INSPECTOR GENERAL SHALL RECEIVE AN ANNUAL SALARY OF ONE HUNDRED FIFTY THOUSAND DOLLARS AND MAY NOT HOLD ANY OTHER OFFICE OR POSITION OR ENGAGE IN OTHER EMPLOYMENT.

(C) FEES, ASSESSMENTS, FINES AND PENALTIES PAID PURSUANT TO SUBDIVISIONS FOUR, SIX AND NINE OF THIS SECTION SHALL BE COLLECTED BY THE BOARD AND MAINTAINED IN A DEDICATED FUND TO BE USED AS THE OPERATING REVENUE OF THE OFFICE OF THE INDEPENDENT MEDICAL EXAMINATION INSPECTOR GENERAL. THE CHAIR SHALL PROVIDE ADDITIONAL REVENUE AS NECESSARY TO CARRY OUT THE RESPONSIBILITIES OF THE OFFICE.

(D) THE OFFICE OF THE INDEPENDENT MEDICAL EXAMINER INSPECTOR GENERAL SHALL: (I) ENFORCE ANNUAL REGISTRATION AND FINANCIAL DISCLOSURE REQUIREMENTS PURSUANT TO THIS SECTION; (II) COLLECT, REVIEW AND AGGREGATE INFORMATION CONTAINED IN ANNUAL FINANCIAL DISCLOSURE STATEMENTS; (III) PERIODICALLY AUDIT EXAMINERS AND INDEPENDENT MEDICAL EXAMINATION ORGANIZATIONS TO VERIFY THE VERACITY OF INFORMATION CONTAINED IN ANNUAL AUDITS AND TO VERIFY COMPLIANCE WITH CONTINUING EXAMINER EDUCATION REQUIREMENTS; (IV) INVESTIGATE CONFLICTS OF INTEREST, MALFEASANCE AND NONFEASANCE IN CONNECTION WITH INDEPENDENT MEDICAL EXAMINATIONS; AND (V) REPORT ANNUALLY TO THE GOVERNOR, TEMPORARY PRESIDENT OF THE SENATE AND SPEAKER OF THE ASSEMBLY ON THE USE OF INDEPENDENT MEDICAL EXAMINATIONS, ON INDIVIDUAL INVESTIGATIONS AND RECOMMEND REGULATORY AND STATUTORY CHANGES.

9. FOR EACH INDEPENDENT MEDICAL EXAMINATION ORDERED OR REQUESTED BY A CARRIER OR THE STATE FUND AND PERFORMED BY AN EXAMINER, THE CARRIER OR STATE FUND SHALL PAY AN ASSESSMENT OF FIFTY DOLLARS TO THE BOARD WITHIN SEVEN DAYS OF THE DATE OF THE EXAMINATION. SUCH ASSESSMENT SHALL BE MAINTAINED BY THE BOARD IN A DEDICATED FUND FOR THE PURPOSE OF FUNDING THE OFFICE OF THE INDEPENDENT MEDICAL EXAMINATION INSPECTOR GENERAL.

S 7. Section 13-f of the workers' compensation law is amended by adding a new subdivision 3 to read as follows:

(3) THE CHAIR SHALL IMMEDIATELY CONDUCT A STUDY TO ANALYZE THE AVAILABILITY AND QUALITY OF CARE FOR INJURED WORKERS BASED ON SPECIALTY, PRACTICE AREA AND GEOGRAPHICAL REGION OF THE STATE. THE RESULTS OF THAT STUDY SHALL BE RELEASED TO THE PUBLIC ON OR BEFORE DECEMBER THIRTY-FIRST, TWO THOUSAND SIXTEEN. WHERE CERTAIN GEOGRAPHICAL REGIONS OF THE STATE ARE UNDERSERVED BY AUTHORIZED PROVIDERS IN A SPECIALTY, THE CHAIR SHALL DEVISE AND IMPLEMENT A COURSE OF ACTION TO ATTRACT ADDITIONAL PROVIDERS OF THAT SPECIFIC SPECIALTY TO PARTICIPATE IN THE SYSTEM. THIS COURSE OF ACTION SHALL INCLUDE, BUT IS NOT LIMITED TO, INCREASING MEDICAL REIMBURSEMENT RATES FOR SPECIALTY SERVICES IN REGIONS WHERE PARTICIPATING PROVIDERS OF SUCH SERVICES ARE SCARCE, REGARDLESS OF OVERALL INCREASE OF COST TO THE SYSTEM.

S 8. Section 13-g of the workers' compensation law is amended by adding a new subdivision 1-a to read as follows:

(1-A) WHERE AN EMPLOYER OR CARRIER EXHIBITS A PATTERN OF CONTROVERTING MEDICAL BILLS ON THE FORTY-FIFTH DAY FOLLOWING RENDERING, THERE SHALL BE A PRESUMPTION THAT SUCH CONTROVERSION IS FRIVOLOUS AND UNFOUNDED. IF THE EMPLOYER OR CARRIER FAILS TO PROVIDE CLEAR AND CONVINCING EVIDENCE REBUTTING THIS PRESUMPTION, THE CARRIER OR EMPLOYER MUST PAY THE BILL AS IF NOTICE OF CONTROVERSION HAS NOT BEEN PROVIDED. FOR THE PURPOSES OF THIS SECTION, A PATTERN OF CONTROVERSION ON THE FORTY-FIFTH DAY FOLLOWING RENDERING EXISTS WHERE WITHIN THE PAST SIX MONTHS, FIVE PERCENT OR MORE OF AN EMPLOYER OR CARRIER'S MEDICAL BILL CONTROVERSIONS OCCUR ON

1 THE FORTY-FIFTH DAY FOLLOWING RENDERING. THE CHAIR SHALL MAINTAIN A  
2 LIST, TO BE PUBLISHED ON THE BOARD'S WEBSITE AND TO BE UPDATED DAILY, OF  
3 EMPLOYERS AND CARRIERS WHOSE CONTROVERSION PRACTICES QUALIFY THEM FOR  
4 SUCH PRESUMPTION.

5 S 9. Subdivision 3 of section 13-n of the workers' compensation law,  
6 as added by chapter 6 of the laws of 2007, is amended to read as  
7 follows:

8 3. The chair, upon finding that an EXAMINER OR entity that derives  
9 income from independent medical examinations has materially altered an  
10 independent medical examination report, or caused such a report to be  
11 materially altered, [may] SHALL revoke THE AUTHORIZATION OF SUCH EXAMIN-  
12 ER OR the registration of such entity, impose a penalty [not exceeding]  
13 OF AT LEAST ten thousand dollars and refer the matter to the attorney  
14 general for prosecution.

15 S 10. Subdivision 5 of section 14 of the workers' compensation law, as  
16 amended by chapter 730 of the laws of 1978, is amended to read as  
17 follows:

18 5. If it be established that the injured employee was under the age of  
19 [twenty-five] THIRTY-FIVE when injured, OR WAS ACCEPTED TO OR ENROLLED  
20 IN AN APPRENTICESHIP TRAINING PROGRAM APPROVED BY THE COMMISSIONER OF  
21 LABOR PURSUANT TO ARTICLE TWENTY-THREE OF THE LABOR LAW, and that under  
22 normal conditions his OR HER wages would be expected to increase, that  
23 fact [may] SHALL be considered in arriving at his OR HER average weekly  
24 wages.

25 S 11. The section heading of section 14-a of the workers' compensation  
26 law, as amended by chapter 142 of the laws of 1947, is amended to read  
27 as follows:

28 Double compensation and death benefits when [minors] WORKERS illegally  
29 employed.

30 S 12. Subdivision 1 of section 14-a of the workers' compensation law,  
31 as amended by chapter 67 of the laws of 1983, is amended to read as  
32 follows:

33 1. Compensation, death benefits, and awards to the commissioner of  
34 taxation and finance in accordance with subdivision nine of section  
35 fifteen and section twenty-five-a, as provided in this article, shall be  
36 double the amount otherwise payable if the injured employee at the time  
37 of the accident is [a minor employed,] permitted or suffered to work in  
38 violation of any provision of the labor law or in violation of [any rule  
39 heretofore or hereafter adopted by the board of standards and appeals  
40 pursuant to subdivision four of section one hundred thirty-three of said  
41 law] MUNICIPAL, COUNTY, STATE OR FEDERAL STATUTE, RULE OR REGULATION.

42 An employer who knowingly permits or suffers a newspaper carrier to  
43 work in violation of section thirty-two hundred twenty-eight of the  
44 education law, shall be liable for the increased awards provided by this  
45 section.

46 S 13. Subdivision 1 of section 15 of the workers' compensation law, as  
47 amended by chapter 675 of the laws of 1977, is amended to read as  
48 follows:

49 1. Permanent total disability. In case of total disability adjudged to  
50 be permanent sixty-six and two-thirds per centum of the average weekly  
51 wages shall be paid to the employee during the continuance of such total  
52 disability. Loss of both hands, or both arms, or both feet, or both  
53 legs, or both eyes, or of any two thereof, OR APPROVAL FOR FEDERAL  
54 SOCIAL SECURITY DISABILITY BENEFITS, shall, in the absence of conclusive  
55 proof to the contrary, constitute permanent total disability. In all  
56 other cases permanent total disability shall be determined in accordance

1 with the facts. Notwithstanding any other provision of this chapter, an  
 2 injured employee disabled due to the loss or total loss of use of both  
 3 eyes, or both hands, or both arms, or both feet, or both legs, or of any  
 4 two thereof shall not suffer any diminution of his compensation by  
 5 engaging in business or employment provided his OR HER earnings or  
 6 wages, when combined with his compensation, shall not be in excess of  
 7 the wage base on which the maximum weekly compensation benefit is  
 8 computed under the law in effect at time of such earning; further  
 9 provided, that if the combination exceeds such wage base, the compen-  
 10 sation shall be diminished to an amount which, together with his OR HER  
 11 earnings or wages, shall equal the wage base; and further provided that  
 12 the application of this subdivision shall not result in reduction of  
 13 compensation which an injured employee who is disabled due to the loss  
 14 or total loss of use of both eyes, or both hands, or both arms, or both  
 15 feet, or both legs or of any two thereof, would otherwise be entitled to  
 16 under any other provision of this section.

17 S 14. Subdivision 3 of section 15 of the workers' compensation law,  
 18 paragraph e as amended by chapter 317 and paragraph f as amended by  
 19 chapter 320 of the laws of 1924, paragraph m as amended by chapter 554  
 20 of the laws of 1927, paragraph o as amended by chapter 754 of the laws  
 21 of 1928, paragraph q as amended by chapter 661 of the laws of 1935,  
 22 paragraph s as amended by chapter 204 of the laws of 1988, paragraph t  
 23 as amended by chapter 774 of the laws of 1945, subparagraphs 1 and 2 of  
 24 paragraph t as amended by chapter 924 of the laws of 1990, paragraph u  
 25 as amended by chapter 351 of the laws of 2009, paragraph v as amended by  
 26 chapter 364 of the laws of 1989 and paragraph w as amended by chapter 6  
 27 of the laws of 2007, is amended to read as follows:

28 3. Permanent partial disability. In case of disability partial in  
 29 character but permanent in quality the compensation shall be sixty-six  
 30 and two-thirds per centum of the average weekly wages and shall be paid  
 31 to the employee for the period named in this subdivision, as follows:

32	Number of
33 Member lost	34 weeks' compensation
35 a. Arm .....	36 [312]
	37 624
38 b. Leg .....	39 [288]
	40 576
41 c. Hand .....	42 [244]
	43 488
44 d. Foot .....	45 [205]
	46 410
47 e. eye .....	48 [160]
	49 320
50 f. Thumb .....	51 [75]
	52 150
53 g. First finger .....	54 [46]
	55 92
56 h. Great toe .....	57 [38]
	58 76
59 i. Second finger .....	60 [30]
	61 60
62 j. Third finger .....	63 [25]
	64 50
65 k. Toe other than great toe .....	66 [16]
	67 32

1 1. Fourth finger ..... [15]  
2 30  
3 m. Loss of hearing. Compensation for the complete loss of the hearing  
4 of one ear, for [sixty] ONE HUNDRED TWENTY weeks, for the loss of hear-  
5 ing of both ears, for [one hundred and fifty] THREE HUNDRED weeks.  
6 n. Phalanges. Compensation for the loss of [more than] one phalange of  
7 a digit shall be the same as for loss of the entire digit. [Compensation  
8 for loss of the first phalange shall be one-half of the compensation for  
9 loss of the entire digit.]  
10 o. Amputated arm or leg. Compensation for an arm or a leg, if amputat-  
11 ed at or above the wrist or ankle, shall be for the [proportionate loss  
12 of the] ENTIRE arm or leg.  
13 p. Binocular vision or per centum of vision. Compensation for loss of  
14 binocular vision or for [eighty] FIFTY per centum or more of the vision  
15 of an eye shall be the same as for loss of the eye.  
16 q. Two or more digits. Compensation for loss or loss of use of two or  
17 more digits, or one or more phalanges of two or more digits, of a hand  
18 or foot [may be proportioned to the loss of use of the hand or foot  
19 occasioned thereby but shall not exceed] SHALL EQUAL the compensation  
20 for loss of a hand or foot.  
21 r. Total loss of use. Compensation for permanent total loss of use of  
22 a member shall be the same as for loss of the member.  
23 s. Partial loss or partial loss of use. Compensation for permanent  
24 partial loss or loss of use of a member may be for proportionate loss or  
25 loss of use of the member. Compensation for permanent partial loss or  
26 loss of use of an eye shall be awarded on the basis of uncorrected loss  
27 of vision or corrected loss of vision resulting from an injury whichever  
28 is the greater.  
29 t. Disfigurement. 1. The board [may] SHALL award proper and equitable  
30 compensation for serious [facial or head] disfigurement, not to exceed  
31 [twenty] FIVE HUNDRED thousand dollars[, including a disfigurement  
32 continuous in length which is partially in the facial area and also  
33 extends into the neck region as described in paragraph two hereof].  
34 2. The board, if in its opinion the earning capacity of an employee  
35 has been or may in the future be impaired, may award compensation for  
36 any serious disfigurement [in the region above the sterno clavicular  
37 articulations anterior to and including the region of the sterno cleido  
38 mastoid muscles on either side], but no award under subdivisions one and  
39 two OF THIS SECTION shall, in the aggregate, exceed [twenty] FIVE  
40 HUNDRED thousand dollars.  
41 [3. Notwithstanding any other provision hereof, two or more serious  
42 disfigurements, not continuous in length, resulting from the same inju-  
43 ry, if partially in the facial area and partially in the neck region as  
44 described in paragraph two hereof, shall be deemed to be a facial  
45 disfigurement.]  
46 u. Total or partial loss or loss of use of more than one member or  
47 parts of members. In any case in which there shall be a loss or loss of  
48 use of more than one member or parts of more than one member set forth  
49 in paragraphs a through t, inclusive, of this subdivision, but not  
50 amounting to permanent total disability, the board shall award compen-  
51 sation for the loss or loss of use of each such member or part thereof,  
52 which awards shall be fully payable in one lump sum upon the request of  
53 the injured employee.  
54 v. Additional compensation for impairment of wage earning capacity in  
55 certain permanent partial disabilities. Notwithstanding any other  
56 provision of this subdivision, [additional] compensation shall be paya-

1 ble for impairment of wage earning capacity [for any period after the  
2 termination of an award], DURING THE ENTIRE PERIOD OF SUCH IMPAIRMENT,  
3 REGARDLESS OF WHETHER AN AWARD WAS MADE under paragraphs a, b, c, [or]  
4 d, E, F, G, H, I, J, K, L, M, N, O, P, Q, R, S, T, OR U of this subdivi-  
5 sion for the loss or PROPORTIONAL loss of use of [fifty per centum or  
6 more of] a member, provided such impairment of earning capacity shall be  
7 due solely thereto. Such [additional] compensation shall be determined  
8 in accordance with paragraph w of this subdivision. [The additional  
9 compensation shall be reduced by fifty per centum of any amount of disa-  
10 bility benefits which the disabled employee is receiving or entitled to  
11 receive for the same period under the social security act, and shall  
12 cease on the date the disabled employee receives or is entitled to  
13 receive old-age insurance benefits under the social security act.] As  
14 soon as practicable after the injury, the worker shall be required to  
15 participate in a board approved rehabilitation program; or shall have  
16 demonstrated cooperation with efforts to institute such a board approved  
17 program and shall have been determined by the board not to be a feasible  
18 candidate for rehabilitation; such rehabilitation shall constitute  
19 treatment and care as provided in this chapter.

20 w. Other cases. In all other cases of permanent partial disability,  
21 the compensation shall be sixty-six and two-thirds percent of the  
22 difference between the injured employee's average weekly wages and his  
23 or her wage-earning capacity thereafter in the same employment or other-  
24 wise. Compensation under this paragraph shall be payable during the  
25 continuance of such permanent partial disability, but subject to recon-  
26 sideration of the degree of such impairment by the board on its own  
27 motion or upon application of any party in interest [however, all  
28 compensation payable under this paragraph shall not exceed (i) five  
29 hundred twenty-five weeks in cases in which the loss of wage-earning  
30 capacity is greater than ninety-five percent; (ii) five hundred weeks in  
31 cases in which the loss of wage-earning capacity is greater than ninety  
32 percent but not more than ninety-five percent; (iii) four hundred seven-  
33 ty-five weeks in cases in which the loss of wage-earning capacity is  
34 greater than eighty-five percent but not more than ninety percent; (iv)  
35 four hundred fifty weeks in cases in which the loss of wage-earning  
36 capacity is greater than eighty percent but not more than eighty-five  
37 percent; (v) four hundred twenty-five weeks in cases in which the loss  
38 of wage-earning capacity is greater than seventy-five percent but not  
39 more than eighty percent; (vi) four hundred weeks in cases in which the  
40 loss of wage-earning capacity is greater than seventy percent but not  
41 more than seventy-five percent; (vii) three hundred seventy-five weeks  
42 in cases in which the loss of wage-earning capacity is greater than  
43 sixty percent but not more than seventy percent; (viii) three hundred  
44 fifty weeks in cases in which the loss of wage-earning capacity is  
45 greater than fifty percent but not more than sixty percent; (ix) three  
46 hundred weeks in cases in which the loss of wage-earning capacity is  
47 greater than forty percent but not more than fifty percent; (x) two  
48 hundred seventy-five weeks in cases in which the loss of wage-earning  
49 capacity is greater than thirty percent but not more than forty percent;  
50 (xi) two hundred fifty weeks in cases in which the loss of wage-earning  
51 capacity is greater than fifteen percent but not more than thirty  
52 percent; and (xii) two hundred twenty-five weeks in cases in which the  
53 loss of wage-earning capacity is fifteen percent or less. For those  
54 claimants classified as permanently partially disabled who no longer  
55 receive indemnity payments because they have surpassed their number of  
56 maximum benefit weeks, the following provisions will apply:



(1) There will be a presumption that medical services shall continue notwithstanding the completion of the time period for compensation set forth in this section and the burden of going forward and the burden of proof will lie with the carrier, self-insured employer or state insurance fund in any application before the board to discontinue or suspend such services. Medical services will continue during the pendency of any such application and any appeals thereto.

(2) The board is directed to promulgate regulations that establish an independent review and appeal by an outside agent or entity of the board's choosing of any administrative law judge's determination to discontinue or suspend medical services before a final determination of the board].

S 15. Paragraph a of subdivision 6 of section 15 of the workers' compensation law, as amended by section 7-a of part GG of chapter 57 of the laws of 2013, is amended to read as follows:

(a) Compensation for permanent or temporary total disability due to an accident or disablement resulting from an occupational disease that occurs, (1) on or after January first, nineteen hundred seventy-eight, shall not exceed one hundred twenty-five dollars per week, that occurs (2) on or after July first, nineteen hundred seventy-eight, shall not exceed one hundred eighty dollars per week, that occurs (3) on or after January first, nineteen hundred seventy-nine, shall not exceed two hundred fifteen dollars per week, that occurs (4) on or after July first, nineteen hundred eighty-three, shall not exceed two hundred fifty-five dollars per week, that occurs (5) on or after July first, nineteen hundred eighty-four, shall not exceed two hundred seventy-five dollars per week, that occurs (6) on or after July first, nineteen hundred eighty-five, shall not exceed three hundred dollars per week, that occurs (7) on or after July first, nineteen hundred ninety, shall not exceed three hundred forty dollars per week; and in the case of temporary total disability shall not be less than thirty dollars per week and in the case of permanent total disability shall not be less than twenty dollars per week except that if the employee's wages at the time of injury are less than thirty or twenty dollars per week respectively, he or she shall receive his or her full weekly wages. Compensation for permanent or temporary partial disability due to an accident or disablement resulting from an occupational disease that occurs (1) on or after January first, nineteen hundred seventy-eight, shall not exceed one hundred five dollars per week, that occurs (2) on or after July first, nineteen hundred eighty-three, shall not exceed one hundred twenty-five dollars per week, that occurs (3) on or after July first, nineteen hundred eighty-four, shall not exceed one hundred thirty-five dollars per week, that occurs (4) on or after July first, nineteen hundred eighty-five, shall not exceed one hundred fifty dollars per week, that occurs (5) on or after July first, nineteen hundred ninety, shall not exceed two hundred eighty dollars per week; nor be less than twenty dollars per week; except that if the employee's wages at the time of injury are less than twenty dollars per week, he or she shall receive his or her full weekly wages. In no event shall compensation when combined with decreased earnings or earning capacity exceed the amount of wages which the employee was receiving at the time the injury occurred. Compensation for permanent or temporary partial disability, or for permanent or temporary total disability due to an accident or disablement resulting from an occupational disease that occurs (1) on or after July first, nineteen hundred ninety-one and prior to July first, nineteen hundred ninety-two, shall not exceed three hundred fifty

1 dollars per week; (2) on or after July first, nineteen hundred ninety-  
2 two, shall not exceed four hundred dollars per week; nor be less than  
3 forty dollars per week except that if the employee's wages at the time  
4 of injury are less than forty dollars per week, the employee shall  
5 receive his or her full wages. Compensation for permanent or temporary  
6 partial disability, or for permanent or temporary total disability due  
7 to an accident or disablement resulting from an occupational disease  
8 that occurs (1) on or after July first, two thousand seven shall not  
9 exceed five hundred dollars per week, (2) on or after July first, two  
10 thousand eight shall not exceed five hundred fifty dollars per week, (3)  
11 on or after July first, two thousand nine shall not exceed six hundred  
12 dollars per week, and (4) on or after July first, two thousand ten, and  
13 on or after July first of each succeeding year, shall not exceed two-  
14 thirds of the New York state average weekly wage for the year in which  
15 it is reported. Compensation for permanent or temporary partial disabili-  
16 ty, or for permanent or temporary total disability due to an accident  
17 or disablement resulting from an occupational disease that occurs on or  
18 after July first, two thousand seven shall not be less than one hundred  
19 dollars per week except that if the employee's wages at the time of  
20 injury are less than one hundred dollars per week, the employee shall  
21 receive his or her full wages. Compensation for permanent or temporary  
22 partial disability, or for permanent or temporary total disability due  
23 to an accident or disablement resulting from an occupational disease  
24 that occurs on or after May first, two thousand thirteen shall not be  
25 less than one hundred fifty dollars per week except that if the employ-  
26 ee's wages at the time of injury are less than one hundred fifty dollars  
27 per week, the employee shall receive his or her full wages. COMPEN-  
28 SATION FOR PERMANENT OR TEMPORARY PARTIAL DISABILITY, OR FOR PERMANENT  
29 OR TEMPORARY TOTAL DISABILITY DUE TO AN ACCIDENT OR DISABLEMENT RESULT-  
30 ING FROM AN OCCUPATIONAL DISEASE THAT OCCURS ON OR AFTER THE EFFECTIVE  
31 DATE OF THE CHAPTER OF THE LAWS OF TWO THOUSAND SIXTEEN THAT AMENDED  
32 THIS PARAGRAPH SHALL NOT BE LESS THAN ONE SEVENTH OF THE NEW YORK STATE  
33 AVERAGE WEEKLY WAGE EXCEPT THAT IF THE EMPLOYEE'S WEEKLY WAGE, THE  
34 EMPLOYEE SHALL RECEIVE HIS OR HER FULL WAGES. In no event shall compen-  
35 sation when combined with decreased earnings or earning capacity exceed  
36 the amount of wages the employee was receiving at the time the injury  
37 occurred. Compensation for permanent or temporary partial disability, or  
38 for permanent or temporary total disability due to an accident or disa-  
39 blement resulting from an occupational disease or injury that occurred  
40 as a result of World Trade Center rescue activity by an employee of a  
41 private voluntary hospital, who passed a physical examination upon  
42 employment as a rescue worker that failed to reveal evidence of a condi-  
43 tion that was the proximate cause of disablement or occupational disease  
44 or injury, shall not exceed three-quarters of a claimant's wage on  
45 September eleventh, two thousand one. In no event shall compensation  
46 when combined with decreased earnings or earning capacity exceed the  
47 amount of wages the employee was receiving on September eleventh, two  
48 thousand one.

49 S 16. Section 15 of the workers' compensation law is amended by adding  
50 a new subdivision 10 to read as follows:

51 10. COST-OF-LIVING ADJUSTMENTS OF DISABILITY BENEFITS. (A) NOTWITH-  
52 STANDING ANY OTHER PROVISION OF LAW, IN ADDITION TO ANY OTHER AMOUNT  
53 RECEIVED PURSUANT TO THIS ARTICLE AS DISABILITY BENEFITS, AN EMPLOYEE  
54 WITH A DISABILITY OR THE BENEFICIARY DEPENDENT OF SUCH EMPLOYEE SHALL BE  
55 ENTITLED TO AN ADDITIONAL ALLOWANCE, TO BE KNOWN AS A COST-OF-LIVING  
56 ADJUSTMENT ALLOWANCE, PAYABLE ANNUALLY.

(B) THE COST-OF-LIVING ADJUSTMENT ALLOWANCE SHALL BE COMPUTED BY APPLYING AN ADJUSTMENT FOR REGIONAL COSTS OF LIVING AND SHALL BE BASED ON TWO-THIRDS OF THE ANNUAL INCREASE IN THE CONSUMER PRICE INDEX FOR ALL URBAN CONSUMERS (CPI-U) AS PROMULGATED BY THE UNITED STATES DEPARTMENT OF LABOR.

(C) THIS SUBDIVISION SHALL NOT BE DEEMED OR CONSTRUED TO DIMINISH THE RIGHT OF ANY EMPLOYEE OR BENEFICIARY TO ANY BENEFIT TO WHICH SUCH EMPLOYEE OR BENEFICIARY WOULD OTHERWISE BE ENTITLED PURSUANT TO LAW.

S 17. Subdivisions 1, 1-b, 1-c, 1-d, 2, 2-a and 2-b of section 16 of the workers' compensation law, subdivision 1 as amended by chapter 245 of the laws of 2005, subdivisions 1-b, 1-c and 2 as amended by chapter 168 of the laws of 1979, subdivisions 1-d and 2-b as added by chapter 689 of the laws of 2007, subdivision 2-a as amended by chapter 174 of the laws of 1981, are amended to read as follows:

1. Funeral expenses. The chair shall prepare and establish a schedule for the state or schedules limited to defined localities of maximum charges and fees for such funeral expenses, to be determined in accordance with, and to be subject to change pursuant to, rules promulgated by the chair. THE MAXIMUM CHARGES AND FEES FOR FUNERAL EXPENSES ESTABLISHED IN A SCHEDULE OR SCHEDULES SHALL NOT BE LESS THAN TWELVE THOUSAND DOLLARS. Before preparing such schedule for the state or schedules for limited localities, the chair shall request the president of the New York state funeral directors' association to submit to the chair a report on the amount of remuneration deemed by such association to be fair and adequate for the types of funeral services rendered under this chapter, but consideration shall also be given to the views of other interested parties. The amounts payable by the employer for such services shall be the actual fees and charges up to the maximum established by such schedule. Provided, however, no such schedule of charges and fees shall apply where a firefighter dies from injuries received in the line of duty as a direct result of firefighting or where a police officer dies from injuries received in the line of duty as a direct result of law enforcement activities, where such funeral expenses are reasonable. If such funeral expenses shall have been paid by the claimants entitled to compensation under this section or by others, the funeral expenses awarded shall be made payable to such claimants or others, otherwise they shall be made payable to the undertaker who shall have provided burial. Funeral expenses shall be awarded in case of all injuries causing death including cases in which there are no persons entitled to other compensation under this chapter.

1-b. If there be a surviving spouse and no child of the deceased under the age of eighteen years and no child of any age dependent blind or physically disabled, and the death occurs on or after July first, nineteen hundred forty-eight, and prior to January first, nineteen hundred seventy-eight, to such spouse forty per centum of the average wages of the deceased [during widowhood or widowerhood with two years' compensation in one sum, upon remarriage]; and where the death occurred prior to July first, nineteen hundred forty-eight, to such wife (or dependent husband) thirty per centum of such wages [during widowhood (or dependent widowerhood) with two years' compensation in one sum, upon remarriage].

1-c. If there be a surviving spouse and no child of the deceased under the age of eighteen years or under the age of twenty-three years if enrolled and attending as a full time student in an accredited educational institution and such enrollment and full time attendance is certified by such institution and no child of any age dependent blind or physically disabled, and the death occurs on or after January first,

19 nineteen hundred seventy-eight, to such spouse sixty-six and two-thirds per centum of the average wages of the deceased [during widowhood or widowerhood with two years' compensation, in one sum, upon remarriage]. Where the death occurs on or after January first, nineteen hundred seventy-eight, and the spouse is receiving the survivors insurance benefits under the social security act, the death benefit payable under this section shall be reduced in accordance with the provisions of table No. 1 below by five per centum of the spouse's share of the survivor's insurance benefits under the social security act for each ten dollars of deceased's average weekly wage in excess of one hundred dollars provided that in no case shall such reduction exceed fifty per centum of said spouse's share of the survivors insurance benefits under the social security act.

TABLE No. I

Offset provisions applicable in death benefits  
where there is a sole surviving spouse

AVERAGE WEEKLY WAGE	PERCENTAGE OF SPOUSE'S SHARE OF SURVIVORS INSURANCE BENEFITS
over \$100 up to and including \$110	5
over \$110 up to and including \$120	10
over \$120 up to and including \$130	15
over \$130 up to and including \$140	20
over \$140 up to and including \$150	25
over \$150 up to and including \$160	30
over \$160 up to and including \$170	35
over \$170 up to and including \$180	40
over \$180 up to and including \$190	45
over \$190 up to and including \$200	50
over \$200	50

1-d. If there be a surviving spouse of an employee of a private voluntary hospital killed in a World Trade Center rescue, who passed a physical examination upon employment as a rescue worker that failed to reveal evidence of a condition that was the proximate cause of death, and no child of the deceased under the age of eighteen years, or under the age of twenty-three years if enrolled and attending as a full-time student in an accredited educational institution and such enrollment and full-time attendance is certified by such institution, and no child of any age dependent blind or physically disabled, to such spouse seventy-five per centum of the average wages of the deceased [during widowhood or widowerhood, with two years' compensation, in one sum, upon remarriage]. Where such death occurs, and the spouse is receiving the survivors insurance benefits under the social security act, the death benefit payable under this section shall be reduced in accordance with the provisions of table No. I in subdivision one-c of this section by five per centum of the spouse's share of the survivor's insurance benefits under the social security act for each ten dollars of deceased's average weekly wage in excess of one hundred dollars; provided that in no case shall such reduction exceed fifty per centum of such spouse's share of the survivors insurance benefits under the social security act.

2. If there be a surviving spouse and a surviving child or children of the deceased under the age of eighteen years or a surviving child or children of any age dependent blind or physically disabled, and the

1 death occurs on or after July first, nineteen hundred forty-eight, and  
2 prior to January first, nineteen hundred seventy-eight, to such spouse  
3 thirty per centum of the average wages of the deceased [during widowhood  
4 or widowerhood with two years' compensation in one sum, upon remar-  
5 riage]; and the additional amount of twenty per centum of such wages for  
6 each such child until the age of eighteen years or until the removal of  
7 the dependency of the blind or physically disabled child or children; in  
8 case of the subsequent death [or remarriage] of such surviving spouse  
9 any surviving child of the deceased employee, at the time under eighteen  
10 years of age or dependent through mental or physical infirmity, shall  
11 have his OR HER compensation increased to thirty per centum of such  
12 wages, and the same shall be payable until he shall reach the age of  
13 eighteen years or until such dependent blind or physically disabled  
14 condition shall have been removed; provided that the total amount paya-  
15 ble shall in no case exceed sixty-six and two-thirds per centum of such  
16 wages. Upon statutory termination of compensation payments to all such  
17 children, the compensation of the surviving spouse shall be increased to  
18 forty per centum of such wages [with two years' compensation, at such  
19 rate, in one sum, upon remarriage].

20 If there be a surviving wife (or dependent husband) and any of the  
21 aforementioned surviving children, and the death occurred prior to July  
22 first, nineteen hundred forty-eight, to such wife (or dependent husband)  
23 thirty per centum of the average wages of the deceased [during widowhood  
24 (or dependent widowerhood) with two years' compensation in one sum, upon  
25 remarriage]; and the additional amount of ten per centum of such wages  
26 for each such child until eighteen years of age or until the removal of  
27 the dependency of the blind or physically disabled child or children; in  
28 case of the subsequent death [or remarriage] of such surviving wife (or  
29 dependent husband) any surviving child of the deceased shall have his OR  
30 HER compensation increased to fifteen per centum of such wages until he  
31 shall reach the age of eighteen years or until such dependent blind or  
32 physically disabled condition shall have been removed; provided that the  
33 total amount payable shall in no case exceed sixty-six and two-thirds  
34 per centum of such wages.

35 The board may in its discretion require the appointment of a guardian  
36 for the purpose of receiving the compensation of a minor child or a  
37 dependent blind or physically disabled child. In the absence of such a  
38 requirement by the board the appointment of a guardian for such purposes  
39 shall not be necessary.

40 2-a. If there be a surviving spouse and a surviving child under the  
41 age of eighteen years or under the age of twenty-three years if enrolled  
42 and attending as a full time student in an accredited educational insti-  
43 tution and such enrollment and full time attendance is certified by such  
44 institution or a surviving child of any age dependent blind or phys-  
45 ically disabled and the death occurs on or after January first, nineteen  
46 hundred seventy-eight, to such spouse thirty-six and two-thirds per  
47 centum of the average wages of the deceased [during widowhood or widow-  
48 erhood with two years' compensation in one sum, upon remarriage]; and  
49 thirty per centum of such wages to such child under the age of eighteen  
50 years or under the age of twenty-three years if enrolled and attending  
51 as a full time student in an accredited educational institution and such  
52 enrollment and full time attendance is certified by such institution or  
53 a surviving child of any age dependent blind or physically disabled; in  
54 the case of the subsequent death of such surviving spouse the surviving  
55 child shall have his OR HER compensation increased to sixty-six and  
56 two-thirds per centum of such wages and the same shall be payable so

long as he OR SHE is under the age of eighteen years or under the age of twenty-three years if enrolled and attending as a full time student in an accredited educational institution and such enrollment and full time attendance is certified by such institution or a surviving child of any age dependent blind or physically disabled; upon statutory termination of compensation payable to such child, the compensation of the surviving spouse shall be increased to sixty-six and two-thirds per centum of such wages [with two years' compensation, at such rate, in one sum, upon remarriage. Upon remarriage of such surviving spouse, the surviving child shall continue to receive thirty per centum of such wages]. Where the death occurs on or after January first, nineteen hundred seventy-eight and the spouse is receiving survivors insurance benefits under the social security act, the death benefit payable under this section shall be reduced by five per centum of the spouse's share of the survivors insurance benefits under the social security act for each ten dollars of deceased's average weekly wage in excess of one hundred dollars provided that in no case shall such reduction exceed fifty per centum of said spouse's share of the survivors insurance benefits under the social security act as set forth in table No. I below.

TABLE No. I

Offset provisions applicable in death benefits  
where there is a surviving spouse and one child

AVERAGE WEEKLY WAGE	PERCENTAGE OF SPOUSE'S SHARE OF SURVIVORS INSURANCE BENEFITS
over \$100 up to and including \$110 .....	5
over \$110 up to and including \$120 .....	10
over \$120 up to and including \$130 .....	15
over \$130 up to and including \$140 .....	20
over \$140 up to and including \$150 .....	25
over \$150 up to and including \$160 .....	30
over \$160 up to and including \$170 .....	35
over \$170 up to and including \$180 .....	40
over \$180 up to and including \$190 .....	45
over \$190 up to and including \$200 .....	50
over \$200 .....	50

If there be a surviving spouse and two or more surviving children under the age of eighteen years or under the age of twenty-three years if enrolled and attending as a full time student in an accredited educational institution and such enrollment and full time attendance is certified by such institution or a surviving child or children of any age dependent blind or physically disabled and a death occurs on or after January first, nineteen hundred seventy-eight, to such spouse thirty-six and two-thirds per centum of the average wage of the deceased [during widowhood or widowerhood with two years' compensation in one sum upon remarriage]; and thirty per centum of such wages to such children under the age of eighteen years or under the age of twenty-three years if enrolled and attending as a full time student in an accredited educational institution and such enrollment and full time attendance is certified by such institution or a surviving child or children of any age dependent blind or physically disabled, share and share alike; in case of the subsequent death of such surviving spouse the surviving children shall have their compensation increased to sixty-six and two-

1 thirds per centum of such wages and the aggregate sum shall be payable,  
 2 share and share alike, so long as they are under the age of eighteen  
 3 years or under the age of twenty-three years if enrolled and attending  
 4 as a full time student in an accredited educational institution and such  
 5 enrollment and full time attendance is certified by such institution or  
 6 a surviving child or children of any age dependent blind or physically  
 7 disabled. [Upon remarriage of such surviving spouse, if there be two  
 8 surviving children each shall receive twenty-five per centum of such  
 9 wages, and if there are surviving more than two children under the age  
 10 of eighteen years or under the age of twenty-three if enrolled and  
 11 attending as a full time student in an accredited educational institu-  
 12 tion and such enrollment and full time attendance is certified by such  
 13 institution or a surviving child or children of any age dependent blind  
 14 or physically disabled sixty-six and two-thirds per centum of such wages  
 15 share and share alike.] Upon statutory termination of compensation paya-  
 16 ble to such children, the compensation of the surviving spouse shall be  
 17 increased to sixty-six and two-thirds per centum of such wages [with two  
 18 years' compensation, at such rate, in one sum, upon remarriage]. Where  
 19 the death occurs on or after January first, nineteen hundred seventy-  
 20 eight, and the spouse is receiving survivors insurance benefits under  
 21 the social security act, the death benefits payable under this section  
 22 shall be reduced by five per centum of the spouse's share of the survi-  
 23 vors insurance benefits under the social security act for each ten  
 24 dollars of deceased's average weekly wage in excess of one hundred fifty  
 25 dollars provided that in no case shall such reduction exceed fifty per  
 26 centum of said spouse's share of the survivors insurance benefits under  
 27 the social security act as set forth in table No. II below.

TABLE No. II

29 Offset provisions applicable in death benefits  
 30 where there is a surviving spouse and two or more children

31 AVERAGE WEEKLY WAGE	32 PERCENTAGE OF SPOUSE'S
	33 SHARE OF SURVIVORS
	34 INSURANCE BENEFITS
35 over \$150 up to and including \$160 .....	5
36 over \$160 up to and including \$170 .....	10
37 over \$170 up to and including \$180 .....	15
38 over \$180 up to and including \$190 .....	20
39 over \$190 up to and including \$200 .....	25
40 over \$200 up to and including \$210 .....	30
41 over \$210 up to and including \$220 .....	35
42 over \$220 up to and including \$230 .....	40
43 over \$230 up to and including \$240 .....	45
44 over \$240 up to and including \$250 .....	50
45 over \$250 .....	50

46 2-b. If there be a surviving spouse of an employee of a private volun-  
 47 tary hospital killed in a World Trade Center rescue, who passed a phys-  
 48 ical examination upon employment as a rescue worker that failed to  
 49 reveal evidence of a condition that was the proximate cause of death,  
 50 and a surviving child under the age of eighteen years, or under the age  
 51 of twenty-three years if enrolled and attending as a full-time student  
 52 in an accredited educational institution and such enrollment and full-  
 53 time attendance is certified by such institution, or a surviving child  
 of any age dependent blind or physically disabled, to such spouse forty

1 per centum of the average wages of the deceased [during widowhood or  
2 widowerhood, with two years' compensation in one sum, upon remarriage];  
3 and thirty-five per centum of such wages to such child under the age of  
4 eighteen years, or under the age of twenty-three years if enrolled and  
5 attending as a full-time student in an accredited educational institu-  
6 tion and such enrollment and full-time attendance is certified by such  
7 institution, or a surviving child of any age dependent blind or phys-  
8 ically disabled; in the case of the subsequent death of such surviving  
9 spouse the surviving child shall have his or her compensation increased  
10 to seventy-five per centum of such wages and the same shall be payable  
11 so long as he or she is under the age of eighteen years, or under the  
12 age of twenty-three years if enrolled and attending as a full-time  
13 student in an accredited educational institution and such enrollment and  
14 full-time attendance is certified by such institution, or a surviving  
15 child of any age dependent blind or physically disabled; upon statutory  
16 termination of compensation payable to such child, the compensation of  
17 the surviving spouse shall be increased to seventy-five per centum of  
18 such wages [with two years' compensation, at such rate, in one sum, upon  
19 remarriage. Upon remarriage of such surviving spouse, the surviving  
20 child shall continue to receive thirty-five per centum of such wages].  
21 Where such death occurs, and the spouse is receiving survivors insurance  
22 benefits under the social security act, the death benefit payable under  
23 this section shall be reduced by five per centum of the spouse's share  
24 of the survivors insurance benefits under the social security act for  
25 each ten dollars of deceased's average weekly wage in excess of one  
26 hundred dollars; provided that in no case shall such reduction exceed  
27 fifty per centum of such spouse's share of the survivors insurance bene-  
28 fits under the social security act as set forth in table No. I in subdi-  
29 vision one-c of this section. If there be a surviving spouse of an  
30 employee of a private voluntary hospital killed in a World Trade Center  
31 rescue, who passed a physical examination upon employment as a rescue  
32 worker that failed to reveal evidence of a condition that was the proximi-  
33 mate cause of death, and two or more surviving children under the age of  
34 eighteen years, or under the age of twenty-three years if enrolled and  
35 attending as a full-time student in an accredited educational institu-  
36 tion and such enrollment and full-time attendance is certified by such  
37 institution, or a surviving child or children of any age dependent blind  
38 or physically disabled and a death occurs on or after September elev-  
39 enth, two thousand one, to such spouse forty per centum of the average  
40 wage of the deceased [during widowhood or widowerhood with two years'  
41 compensation in one sum upon remarriage]; and thirty-five per centum of  
42 such wages to such children under the age of eighteen years, or under  
43 the age of twenty-three years if enrolled and attending as a full-time  
44 student in an accredited educational institution and such enrollment and  
45 full-time attendance is certified by such institution, or a surviving  
46 child or children of any age dependent blind or physically disabled,  
47 share and share alike; in case of the subsequent death of such surviving  
48 spouse the surviving children shall have their compensation increased to  
49 seventy-five per centum of such wages and the aggregate sum shall be  
50 payable, share and share alike, so long as they are under the age of  
51 eighteen years, or under the age of twenty-three years if enrolled and  
52 attending as a full-time student in an accredited educational institu-  
53 tion and such enrollment and full-time attendance is certified by such  
54 institution, or a surviving child or children of any age dependent blind  
55 or physically disabled. [Upon remarriage of such surviving spouse, if  
56 there be two surviving children each shall receive thirty-seven and



1 one-half per centum of such wages, and if there are surviving more than  
2 two children under the age of eighteen years, or under the age of twenty-three if enrolled and attending as a full-time student in an accredited educational institution and such enrollment and full-time attendance is certified by such institution, or a surviving child or children of any age dependant blind or physically disabled, seventy-five per centum of such wages share and share alike.] Upon statutory termination of compensation payable to such children, the compensation of the surviving spouse shall be increased to seventy-five per centum of such wages [with two years' compensation, at such rate, in one sum, upon remarriage]. Where the death occurs on or after September eleventh, two thousand one, and the spouse is receiving survivors insurance benefits under the social security act, the death benefits payable under this section shall be reduced by five per centum of the spouse's share of the survivors insurance benefits under the social security act for each ten dollars of deceased's average weekly wage in excess of one hundred fifty dollars; provided that in no case shall such reduction exceed fifty per centum of said spouse's share of the survivors insurance benefits under the social security act as set forth in table No. II in subdivision two-a of this section.

21 S 18. Section 16 of the workers' compensation law is amended by adding a new subdivision 8 to read as follows:

23 8. (A) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, IN ADDITION TO ANY OTHER AMOUNT RECEIVED PURSUANT TO THIS ARTICLE AS DEATH BENEFITS, A DEPENDENT OF A DECEASED EMPLOYEE SHALL BE ENTITLED TO AN ADDITIONAL ALLOWANCE, TO BE KNOWN AS A COST-OF-LIVING ADJUSTMENT ALLOWANCE, PAYABLE ANNUALLY.

28 (B) THE COST-OF-LIVING ADJUSTMENT ALLOWANCE SHALL BE COMPUTED BY APPLYING AN ADJUSTMENT FOR REGIONAL COSTS OF LIVING IN THE REGION WHERE THE DECEASED EMPLOYEE LIVED AT THE TIME OF DEATH OR INITIAL DISABILITY, WHICHEVER WAS EARLIER, AND SHALL BE BASED ON TWO-THIRDS OF THE ANNUAL INCREASE IN THE CONSUMER PRICE INDEX FOR ALL URBAN CONSUMERS (CPI-U) AS PROMULGATED BY THE UNITED STATES DEPARTMENT OF LABOR.

34 (C) THIS SUBDIVISION SHALL NOT BE DEEMED OR CONSTRUED TO DIMINISH THE RIGHT OF ANY BENEFICIARY TO ANY BENEFITS TO WHICH SUCH BENEFICIARY WOULD OTHERWISE BE ENTITLED PURSUANT TO LAW.

37 S 19. Section 17 of the workers' compensation law, as amended by chapter 538 of the laws of 1985, is amended to read as follows:

39 S 17. Aliens. Compensation under this chapter to aliens not residents or about to become nonresidents of the United States or Canada AND THEIR SURVIVING DEPENDENTS, shall be the same in amount as provided for residents[, except that dependents in any foreign country shall be limited to surviving spouse and child or children, or, if there is no surviving spouse or child or children, to surviving father or mother whom the employee has supported, either wholly or in part, for the period of one year prior to the date of the accident].

47 S 20. Section 21 of the workers' compensation law, subdivision 5 as amended by chapter 268 of the laws of 1946, is amended to read as follows:

50 S 21. Presumptions. In any proceeding for the enforcement of a claim for compensation under this chapter, it shall be presumed in the absence of substantial evidence to the contrary:

53 1. That the claim comes within the provision of this chapter[;].

54 2. That sufficient notice thereof was given[;].

1 3. That the injury was not occasioned by the willful intention of the  
2 injured employee to bring about the injury or death of himself or of  
3 another[;].

4 4. That the injury did not result solely from the intoxication of the  
5 injured employee while on duty.

6 5. That the contents of medical and surgical reports introduced in  
7 evidence by claimants for compensation shall constitute prima facie  
8 evidence of fact as to the matter contained therein.

9 6. THAT AN INJURED WORKER WHOSE EMPLOYER HAS NOT OFFERED HER OR HIM  
10 REEMPLOYMENT HAS NOT VOLUNTARILY WITHDRAWN FROM THE LABOR MARKET.

11 S 21. Section 23 of the workers' compensation law, as amended by  
12 section 10 of part GG of chapter 57 of the laws of 2013, is amended to  
13 read as follows:

14 S 23. Appeals. An award or decision of the board shall be final and  
15 conclusive upon all questions within its jurisdiction, as against the  
16 state fund or between the parties, unless reversed or modified on appeal  
17 therefrom as hereinafter provided. Any party may within thirty days  
18 after notice of the filing of an award or decision of a referee, file  
19 with the board an application in writing for a modification or rescis-  
20 sion or review of such award or decision, as provided in this chapter.  
21 The board shall render its decision upon such application in writing and  
22 shall include in such decision a statement of the facts which formed the  
23 basis of its action on the issues raised before it on such application.  
24 Within thirty days after notice of the decision of the board upon such  
25 application has been served upon the parties, or within thirty days  
26 after notice of an administrative redetermination review decision by the  
27 chair pursuant to subdivision five of section fifty-two, section one  
28 hundred thirty-one or section one hundred forty-one-a of this chapter  
29 has been served upon any party in interest, an appeal may be taken ther-  
30 efrom to the appellate division of the supreme court, third department,  
31 by any party in interest, including an employer insured in the state  
32 fund; provided, however, that any party in interest may within thirty  
33 days after notice of the filing of the board panel's decision with the  
34 secretary of the board, make application in writing for review thereof  
35 by the full board. If the decision or determination was that of a panel  
36 of the board and there was a dissent from such decision or determination  
37 other than a dissent the sole basis of which is to refer the case to an  
38 impartial specialist, the full board shall review and affirm, modify or  
39 rescind such decision or determination in the same manner as herein  
40 above provided for an award or decision of a referee. If the decision  
41 or determination was that of a unanimous panel of the board, or there  
42 was a dissent from such decision or determination the sole basis of  
43 which is to refer the case to an impartial specialist, the board may in  
44 its sole discretion review and affirm, modify or rescind such decision  
45 or determination in the same manner as herein above provided for an  
46 award or decision of a referee. Failure to apply for review by the full  
47 board shall not bar any party in interest from taking an appeal directly  
48 to the court as above provided. The board may also, in its discretion  
49 certify to such appellate division of the supreme court, questions of  
50 law involved in its decision. Such appeals and the question so certified  
51 shall be heard in a summary manner and shall have precedence over all  
52 other civil cases in such court. The board shall be deemed a party to  
53 every such appeal from its decision upon such application, and the chair  
54 shall be deemed a party to every such appeal from an administrative  
55 redetermination review decision pursuant to subdivision five of section  
56 fifty-two of this chapter. The attorney general shall represent the

1 board and the chair thereon. An appeal may also be taken to the court of  
2 appeals in the same manner and subject to the same limitations not  
3 inconsistent herewith as is now provided in the civil practice law and  
4 rules. It shall not be necessary to file exceptions to the rulings of  
5 the board. An appeal to the appellate division of the supreme court,  
6 third department, or to the court of appeals, shall not operate as a  
7 stay of the payment of compensation required by the terms of the award  
8 or of the payment of the cost of such medical, dental, surgical, optome-  
9 tric or other attendance, treatment, devices, apparatus or other neces-  
10 sary items the employer is required to provide pursuant to section thir-  
11 teen of this article which are found to be fair and reasonable. Where  
12 such award is modified or rescinded upon appeal, the appellant shall be  
13 entitled to reimbursement in a sum equal to the compensation in dispute  
14 paid to the respondent in addition to a sum equal to the cost of such  
15 medical, dental, surgical, optometric or other attendance, treatment,  
16 devices, apparatus or other necessary items the employer is required to  
17 provide pursuant to section thirteen of this article paid by the appel-  
18 lant pending adjudication of the appeal. Such reimbursement shall be  
19 paid from administration expenses as provided in section one hundred  
20 fifty-one of this chapter upon audit and warrant of the comptroller upon  
21 vouchers approved by the chair. Where such award is subject to the  
22 provisions of section twenty-seven of this article, the appellant shall  
23 pay directly to the claimant all compensation as it becomes due during  
24 the pendency of the appeal, and upon affirmance shall be entitled to  
25 credit for such payments. Neither the chair, the board, the commission-  
26 ers of the state insurance fund nor the claimant shall be required to  
27 file a bond upon an appeal to the court of appeals. Upon final determi-  
28 nation of such an appeal, the board or chair, as the case may be, shall  
29 enter an order in accordance therewith. Whenever a notice of appeal is  
30 served or an application made to the board by the employer or insurance  
31 carrier for a modification or rescission or review of an award or deci-  
32 sion, and the board shall find that such notice of appeal was served or  
33 such application was made for the purpose of delay or upon frivolous  
34 grounds, the board shall impose a penalty in the amount of five hundred  
35 dollars upon the employer or insurance carrier, which penalty shall be  
36 added to the compensation and paid to the claimant. The penalties  
37 provided herein shall be collected in like manner as compensation. A  
38 party against whom an award of compensation shall be made may appeal  
39 from a part of such award. In such a case the payment of such part of  
40 the award as is not appealed from shall not prejudice any rights of such  
41 party on appeal, nor be taken as an admission against such party. Any  
42 appeal by an employer from an administrative redetermination review  
43 decision pursuant to subdivision five of section fifty-two of this chap-  
44 ter shall in no way serve to relieve the employer from the obligation to  
45 timely pay compensation and benefits otherwise payable in accordance  
46 with the provisions of this chapter.

47 APPLICATIONS OR PETITIONS TO THE BOARD FOR REVIEW, MODIFICATION,  
48 RESCISSION, REHEARING OR REVIEW BY THE FULL BOARD MUST BE DECIDED WITHIN  
49 THIRTY DAYS OF THE PETITION OR APPLICATION OR WITHIN THIRTY DAYS OF  
50 COMPLETION OF MOTION PRACTICE ON THE PETITION OR APPLICATION, WHICHEVER  
51 IS LATER.

52 Nothing contained in this section shall be construed to inhibit the  
53 continuing jurisdiction of the board as provided in section one hundred  
54 twenty-three of this chapter.

55 S 22. Section 77 of the workers' compensation law, as amended by chap-  
56 ter 6 of the laws of 2007, is amended to read as follows:

1 S 77. Administration. The state insurance fund shall be administered  
2 by the commissioners of the state insurance fund, of whom there shall be  
3 [ten] EIGHT. The commissioner of labor AND THE CHIEF EXECUTIVE OFFICERS  
4 OF THE NEW YORK STATE AMERICAN FEDERATION OF LABOR-CONGRESS OF INDUS-  
5 TRIAL ORGANIZATIONS AND THE BUSINESS COUNCIL OF THE STATE OF NEW YORK  
6 shall, in addition, be [a commissioner] COMMISSIONERS of such fund by  
7 virtue of [his or her office] THEIR OFFICES. The commissioners shall  
8 elect annually from the appointive members a chair and a vice-chair who  
9 shall act as chair in the absence of the chair. The commissioner of  
10 labor may designate a deputy commissioner AND THE CHIEF EXECUTIVE OFFI-  
11 CERS OF THE NEW YORK STATE AMERICAN FEDERATION OF LABOR-CONGRESS OF  
12 INDUSTRIAL ORGANIZATIONS AND THE BUSINESS COUNCIL OF THE STATE OF NEW  
13 YORK MAY EACH DESIGNATE A REPRESENTATIVE to [act in his or her] EXECUTE  
14 THEIR DUTIES AS COMMISSIONERS OF SUCH FUND IN THEIR place and stead [as  
15 a commissioner of such fund]. The REMAINING commissioners shall be  
16 appointed by the governor, by and with the advice and consent of the  
17 senate. [One commissioner shall be appointed by the governor upon recom-  
18 mendation by the New York State American Federation of Labor-Congress of  
19 Industrial Organizations, and one commissioner shall be appointed by the  
20 governor upon recommendation of the Business Council of the State of New  
21 York.] They shall be policyholders insured in the state insurance fund.  
22 The commissioners shall be appointed for terms of three years each. They  
23 shall serve until their successors are appointed and have qualified.  
24 Vacancies shall be filled for the unexpired terms. Each commissioner  
25 shall before entering upon his or her duties, take and subscribe the  
26 constitutional oath of office which shall be filed in the office of the  
27 secretary of state.

28 S 23. Section 114 of the workers' compensation law, as added by chap-  
29 ter 635 of the laws of 1996, subdivision 4 as amended and subdivision 5  
30 as added by chapter 6 of the laws of 2007, is amended to read as  
31 follows:

32 S 114. Penalties for fraudulent practices. 1. Any person who, knowing-  
33 ly and with intent to defraud presents, causes to be presented, or  
34 prepares with knowledge or belief that it will be presented to or by an  
35 insurer or purported insurer, or any agent thereof, any written state-  
36 ment as part of, or in support of, an application for the issuance of or  
37 the rating of an insurance policy for compensation insurance[, or a  
38 claim for payment or other benefit pursuant to a compensation policy]  
39 which he or she knows to: (i) contain a false statement or represen-  
40 tation concerning any fact material thereto; or (ii) omits any fact  
41 material thereto, shall be guilty of a class E felony. Upon conviction,  
42 the court in addition to any other authorized sentence, may order  
43 forfeiture of [all rights to compensation or payments of any benefit]  
44 ANY PROPERTY, INCLUDING REAL PROPERTY, BUILDINGS AND APPURTENANCES THAT  
45 CONSTITUTE THE INSTRUMENTALITY OF THE ENTITY ON WHOSE BEHALF THE APPLI-  
46 CATION WAS MADE, and may also require restitution of any amount received  
47 as a result of a violation of this subdivision.

48 1-A. ANY PERSON WHO, KNOWINGLY AND WITH INTENT TO DEFRAUD PRESENTS,  
49 CAUSES TO BE PRESENTED, OR PREPARES WITH KNOWLEDGE OR BELIEF THAT IT  
50 WILL BE PRESENTED TO OR BY AN INSURER OR PURPORTED INSURER, OR ANY AGENT  
51 THEREOF, ANY WRITTEN STATEMENT AS PART OF, OR IN SUPPORT OF, A CLAIM FOR  
52 PAYMENT OR OTHER BENEFIT PURSUANT TO A COMPENSATION POLICY WHICH HE OR  
53 SHE KNOWS TO: (I) CONTAIN A FALSE STATEMENT OR REPRESENTATION CONCERNING  
54 ANY FACT MATERIAL THERETO; OR (II) OMITS ANY FACT MATERIAL THERETO,  
55 SHALL BE GUILTY OF A CLASS E FELONY. UPON CONVICTION, THE COURT IN ADDI-  
56 TION TO ANY OTHER AUTHORIZED SENTENCE, MAY ORDER FORFEITURE OF ALL

RIGHTS TO COMPENSATION OR PAYMENTS OF ANY BENEFIT, AND MAY ALSO REQUIRE RESTITUTION OF ANY AMOUNT RECEIVED AS A RESULT OF A VIOLATION OF THIS SUBDIVISION.

2. An employer or carrier, or any employee, agent, or person acting on behalf of an employer or carrier, who knowingly makes a false statement or representation as to a material fact in the course of reporting, investigation of, or adjusting a claim for any benefit or payment under this chapter for the purpose of avoiding provision of such payment or benefit shall be guilty of a class E felony. UPON CONVICTION, THE COURT IN ADDITION TO ANY OTHER AUTHORIZED SENTENCE, MAY ORDER FORFEITURE OF ANY PROPERTY, INCLUDING REAL PROPERTY, BUILDINGS AND APPURTENANCES THAT CONSTITUTE THE INSTRUMENTALITY OF THE EMPLOYER OR CARRIER AND MAY ALSO REQUIRE RESTITUTION OF ANY AMOUNT RECEIVED AS A RESULT OF A VIOLATION OF THIS SUBDIVISION.

3. A person who knowingly makes a false statement or representation as to a material fact for the purpose of obtaining, maintaining or renewing insurance under this chapter, whether for himself or herself or for any other person or entity or for the purpose of evading the requirements of section fifty of this chapter shall be guilty of a class E felony. UPON CONVICTION, THE COURT IN ADDITION TO ANY OTHER AUTHORIZED SENTENCE, MAY ORDER FORFEITURE OF ANY PROPERTY, INCLUDING REAL PROPERTY, BUILDINGS AND APPURTENANCES THAT CONSTITUTE THE INSTRUMENTALITY OF THE ENTITY ON WHOSE BEHALF THE APPLICATION WAS MADE. In addition to any other remedy, the carrier providing insurance shall be entitled to restitution of any amount obtained or withheld as a result of a violation of this subdivision.

4. Consistent with the provisions of the criminal procedure law, in any prosecution alleging a violation of subdivision one, two or three of this section, or sections fifty-two and one hundred thirty-one of this chapter, in which the act or acts alleged may also constitute a violation of the penal or other law, the prosecuting official may charge a person pursuant to the provisions of this section and in the same accusatory instrument with a violation of such other law.

5. A person (a) who is convicted of a second or subsequent offense under this section within ten years of the prior conviction, or (b) who violates any provision of this section concerning two or more claimants, shall be guilty of a class [D] B felony.

S 24. Section 122 of the workers' compensation law, as amended by chapter 113 of the laws of 1946, is amended to read as follows:

S 122. Transcripts. A copy of the testimony, evidence and procedure of any investigation, or a particular part thereof, RECORDED AND transcribed by a stenographer in the employ of the board and certified by such stenographer to be true and correct may be received in evidence with the same effect as if such stenographer were present and testifying to the facts so certified. A copy of such transcript shall be furnished to any party upon payment of the fee for transcripts of similar minutes in the supreme court.

S 25. Section 140 of the workers' compensation law, as amended by chapter 57 of the laws of 1951, is amended to read as follows:

S 140. [Workmen's] WORKERS' compensation board. The [workmen's] WORKERS' compensation board in the department of labor is hereby continued. Such board shall consist of thirteen members, at least four of whom shall be attorneys and counsellors-at-law duly admitted to practice in this state. The members of the board shall be appointed by the governor, by and with the advice and consent of the senate. THREE MEMBERS SHALL BE APPOINTED BY THE GOVERNOR UPON RECOMMENDATION OF THE SPEAKER OF THE

1 ASSEMBLY; THREE MEMBERS SHALL BE APPOINTED BY THE GOVERNOR UPON RECOM-  
2 MENDATION OF THE TEMPORARY PRESIDENT OF THE SENATE; TWO MEMBERS SHALL BE  
3 APPOINTED BY THE GOVERNOR UPON RECOMMENDATION OF THE NEW YORK STATE  
4 AMERICAN FEDERATION OF LABOR-CONGRESS OF INDUSTRIAL ORGANIZATIONS; AND  
5 TWO MEMBERS SHALL BE APPOINTED BY THE GOVERNOR UPON RECOMMENDATION OF  
6 THE BUSINESS COUNCIL OF THE STATE OF NEW YORK. The members of the board  
7 in office, together with the additional members and the members  
8 appointed to fill vacancies, if any, at the time this section takes  
9 effect, shall continue, notwithstanding the appointment of any of the  
10 members for a term expiring on a different date, to hold office for  
11 terms to be assigned by the governor by and with the advice and consent  
12 of the senate; two such terms to expire on December thirty-first, nine-  
13 teen hundred fifty; two to expire on December thirty-first, nineteen  
14 hundred fifty-one; two to expire on December thirty-first, nineteen  
15 hundred fifty-two; two to expire on December thirty-first, nineteen  
16 hundred fifty-three; two to expire on December thirty-first, nineteen  
17 hundred fifty-four; two to expire on December thirty-first, nineteen  
18 hundred fifty-five; and one to expire on December thirty-first, nineteen  
19 hundred fifty-six. The members next appointed, except to fill a vacancy  
20 created otherwise than by expiration of term, shall be appointed for  
21 terms of seven years. The governor shall designate one of the members of  
22 the board as chairman and another as vice-chairman.

23 S 26. Subdivision 1 of section 169 of the executive law, as amended by  
24 section 9 of part A of chapter 60 of the laws of 2012, is amended to  
25 read as follows:

26 1. Salaries of certain state officers holding the positions indicated  
27 hereinbelow shall be as set forth in subdivision two of this section:

28 (a) commissioner of corrections and community supervision, commission-  
29 er of education, commissioner of health, commissioner of mental health,  
30 commissioner of developmental disabilities, commissioner of children and  
31 family services, commissioner of temporary and disability assistance,  
32 chancellor of the state university of New York, commissioner of trans-  
33 portation, commissioner of environmental conservation, superintendent of  
34 state police, commissioner of general services, commissioner of the  
35 division of homeland security and emergency services [and], the execu-  
36 tive director of the state gaming commission, AND THE CHAIR OF THE WORK-  
37 ERS' COMPENSATION BOARD;

38 (b) commissioner of labor, chairman of public service commission,  
39 commissioner of taxation and finance, superintendent of financial  
40 services, commissioner of criminal justice services, [and] commissioner  
41 of parks, recreation and historic preservation, AND THE VICE-CHAIR OF  
42 THE WORKERS' COMPENSATION BOARD;

43 (c) commissioner of agriculture and markets, commissioner of alcohol-  
44 ism and substance abuse services, adjutant general, commissioner and  
45 president of state civil service commission, commissioner of economic  
46 development, chair of the energy research and development authority,  
47 president of higher education services corporation, commissioner of  
48 motor vehicles, member-chair of board of parole, chair of public employ-  
49 ment relations board, secretary of state, commissioner of alcoholism and  
50 substance abuse services, executive director of the housing finance  
51 agency, commissioner of housing and community renewal, executive direc-  
52 tor of state insurance fund, commissioner-chair of state liquor authori-  
53 ty, [chair] AND MEMBERS of the workers' compensation board;

54 (d) director of office for the aging, commissioner of human rights,  
55 commissioners of the department of public service, chairman of state  
56 commission on quality of care for the mentally disabled, chairman of

1 commission on alcoholism and substance abuse prevention and education,  
2 executive director of the council on the arts and executive director of  
3 the board of social welfare;

4 (e) chairman of state athletic commission, director of the office of  
5 victim services, chairman of human rights appeal board, chairman of the  
6 industrial board of appeals, chairman of the state commission of  
7 correction, members of the board of parole, member-chairman of unemploy-  
8 ment insurance appeal board, AND director of veterans' affairs[, and  
9 vice-chairman of the workers' compensation board];

10 (f) executive director of adirondack park agency, members of state  
11 commission of correction, AND members of unemployment insurance appeal  
12 board[, and members of the workers' compensation board].

13 S 27. Paragraph 1 of subsection (t) of section 2313 of the insurance  
14 law, as amended by chapter 237 of the laws of 2012, is amended to read  
15 as follows:

16 (1) The governing body of a workers' compensation rate service organ-  
17 ization shall be comprised of nine voting members. Four members shall  
18 represent insurers authorized to write workers' compensation insurance  
19 in this state, and shall be selected in such manner as is determined by  
20 the members of the rate service organization. One member of the govern-  
21 ing body shall be a representative of the state insurance fund. Each of  
22 the remaining four members of the governing body shall serve for a term  
23 of two years and until his or her successor shall have been appointed  
24 and approved, provided that the appointing entity appoints a successor  
25 member within one hundred twenty days of the expiration of the term of  
26 office, and shall not be employed by, or serve as an officer or director  
27 of, an insurer authorized to write workers' compensation insurance in  
28 this state, or any parent, subsidiary, or affiliate thereof, EXCEPT THE  
29 STATE INSURANCE FUND. One such member of the governing body shall be  
30 appointed by the superintendent. The other three such members shall be  
31 appointed subject to the approval of the superintendent by, AND SHALL  
32 SERVE AS REPRESENTATIVES OF, the following: (A) the workers' compen-  
33 sation board; (B) the Business Council of New York State, Inc.; and (C)  
34 the American Federation of Labor - Congress of Industrial Organizations  
35 of New York State. Any vacancy on the governing body shall be filled in  
36 the same manner as the initial appointment. The governing body shall  
37 select a chief executive officer who shall serve at the pleasure of the  
38 governing body and whose terms and conditions of employment shall be  
39 approved by the governing body. No restriction in this subsection shall  
40 apply if compliance is prevented by the failure of any appointing  
41 authority to make an appointment, or of the superintendent to approve  
42 such appointment.

43 S 28. Section 71 of the civil service law, as amended by chapter 577  
44 of the laws of 2003, is amended to read as follows:

45 S 71. Reinstatement after separation for disability. Where an employee  
46 has been separated from the service by reason of a disability resulting  
47 from occupational injury or disease as defined in the [workmen's] WORK-  
48 ERS' compensation law, he or she shall be entitled to a leave of absence  
49 for at least one year, unless his or her disability is of such a nature  
50 as to permanently incapacitate him or her for the performance of the  
51 duties of his or her position. Notwithstanding the foregoing, where an  
52 employee has been separated from the service by reason of a disability  
53 resulting from an assault sustained in the course of his or her employ-  
54 ment, he or she shall be entitled to a leave of absence for at least two  
55 years, unless his or her disability is of such a nature as to permanent-  
56 ly incapacitate him or her for the performance of the duties of his or

1 her position. NOTWITHSTANDING THE FOREGOING, WHERE AN EMPLOYEE IS ABSENT  
2 BY REASON OF A DISABILITY RESULTING FROM OCCUPATIONAL INJURY OR DISEASE  
3 AS DEFINED IN THE WORKERS' COMPENSATION LAW AND THAT EMPLOYEE HAS NOT  
4 YET RECEIVED CARE DIRECTED BY HIS OR HER TREATING PROVIDER AS A RESULT  
5 OF THE EMPLOYER OR CARRIER'S DISPUTE, THAT EMPLOYEE IS ENTITLED TO AN  
6 INDEFINITE LEAVE OF ABSENCE, UNLESS HIS OR HER DISABILITY IS OF SUCH A  
7 NATURE AS TO PERMANENTLY INCAPACITATE HIM OR HER FOR THE PERFORMANCE OF  
8 THE DUTIES OF HIS OR HER POSITION. Such employee may, within one year  
9 after the termination of such disability, make application to the civil  
10 service department or municipal commission having jurisdiction over the  
11 position last held by such employee for a medical examination to be  
12 conducted by a medical officer selected for that purpose by such depart-  
13 ment or commission. If, upon such medical examination, such medical  
14 officer shall certify that such person is physically and mentally fit to  
15 perform the duties of his or her former position, he or she shall be  
16 reinstated to his or her former position, if vacant, or to a vacancy in  
17 a similar position or a position in a lower grade in the same occupa-  
18 tional field, or to a vacant position for which he or she was eligible  
19 for transfer. If no appropriate vacancy shall exist to which rein-  
20 statement may be made, or if the work load does not warrant the filling  
21 of such vacancy, the name of such person shall be placed upon a  
22 preferred list for his or her former position, and he or she shall be  
23 eligible for reinstatement from such preferred list for a period of four  
24 years. In the event that such person is reinstated to a position in a  
25 grade lower than that of his or her former position, his or her name  
26 shall be placed on the preferred eligible list for his or her former  
27 position or any similar position. This section shall not be deemed to  
28 modify or supersede any other provisions of law applicable to the re-em-  
29 ployment of persons retired from the public service on account of disa-  
30 bility.

31 S 29. Paragraph (b) of subdivision 1 of section 460.10 of the penal  
32 law, as amended by chapter 442 of the laws of 2006, is amended to read  
33 as follows:

34 (b) Any felony set forth elsewhere in the laws of this state and  
35 defined by the tax law relating to alcoholic beverage, cigarette, gaso-  
36 line and similar motor fuel taxes; article seventy-one of the environ-  
37 mental conservation law relating to water pollution, hazardous waste or  
38 substances hazardous or acutely hazardous to public health or safety of  
39 the environment; article twenty-three-A of the general business law  
40 relating to prohibited acts concerning stocks, bonds and other securi-  
41 ties, article twenty-two of the general business law concerning monopo-  
42 lies, ARTICLE SEVEN OF THE WORKERS' COMPENSATION LAW CONCERNING FRAUD.

43 S 30. This act shall take effect on the ninetieth day after it shall  
44 have become a law; provided, however that the amendments to paragraph 1  
45 of subsection (t) of section 2313 of the insurance law made by section  
46 twenty-seven of this act shall not affect the repeal of such subsection  
47 and shall be deemed repealed therewith.