STATE OF NEW YORK

11372

IN ASSEMBLY

October 19, 2018

Introduced by COMMITTEE ON RULES -- (at request of M. of A. Paulin) -- read once and referred to the Committee on Labor

AN ACT to amend the workers' compensation law, in relation to notification in the case of a change to a workers' compensation claims representative

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The workers' compensation law is amended by adding a new section 138 to read as follows:

§ 138. Workers' compensation claims representative replacement. 1. Where an injured employee is entitled to workers' compensation benefits under this chapter and a claims representative has been assigned to his or her workers' compensation claim by an insurance carrier or self-insured employer, such insurance carrier or self-insured employer shall be required to notify such injured employee or such employee's personal representative in the event that such claim is assigned to a new claims representative, or it is determined that the assignment of a claims representative is no longer necessary. For the purposes of this section, "claims representative" shall mean any employee, agent, or other representative of an insurance carrier or self-insured employer that is responsible for processing, adjudicating, or in any way effecting the settlement of a workers' compensation claim.

2. An insurance carrier or self-insured employer shall provide such notice by electronic means or by certified or registered mail, return receipt requested, to the last known address of the injured employee or such employee's personal representative within fourteen business days of the replacement of any claims representative or the determination that the assignment of a claims representative is no longer necessary. Such notice must include the name and contact information of the new claims representative when a new assignment has been made.

§ 2. This act shall take effect on the ninetieth day after it shall have become a law.

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

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