

STATE OF NEW YORK

617

2021-2022 Regular Sessions

IN SENATE

(Prefiled)

January 6, 2021

Introduced by Sens. RAMOS, SANDERS -- read twice and ordered printed,
and when printed to be committed 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:

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

3 § 138. Workers' compensation claims representative replacement. 1.
4 Where an injured employee is entitled to workers' compensation benefits
5 under this chapter and a claims representative has been assigned to his
6 or her workers' compensation claim by an insurance carrier, such insur-
7 ance carrier shall be required to notify such injured employee or such
8 employee's personal representative in the event that such claim is
9 assigned to a new claims representative, or it is determined that the
10 assignment of a claims representative is no longer necessary. For the
11 purposes of this section, "claims representative" shall mean any employ-
12 ee, agent, or other representative of an insurance carrier that is
13 responsible for processing, adjudicating, or in any way effecting the
14 settlement of a workers' compensation claim.

15 2. An insurance carrier shall provide such notice by electronic means
16 or by certified or registered mail, as elected by the injured employee,
17 return receipt requested, to the last known address of the injured
18 employee or such employee's personal representative within fourteen
19 business days of the replacement of any claims representative or the
20 determination that the assignment of a claims representative is no long-
21 er necessary. Such notice shall include the name and contact information
22 of the new claims representative when a new assignment has been made.

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

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1 § 2. The workers' compensation law is amended by adding a new section
2 138-a to read as follows:

3 § 138-a. Workers' compensation claims representative replacement;
4 self-insured employer. 1. Where an injured employee is entitled to work-
5 ers' compensation benefits under this chapter and a claims represen-
6 tative has been assigned to his or her workers' compensation claim by a
7 self-insured employer, such self-insured employer shall be required to
8 notify such injured employee or such employee's personal representative
9 in the event that such claim is assigned to a new claims representative,
10 or it is determined that the assignment of a claims representative is no
11 longer necessary. For the purposes of this section, "claims represen-
12 tative" shall mean any employee, agent, or other representative of a
13 self-insured employer that is responsible for processing, adjudicating,
14 or in any way effecting the settlement of a workers' compensation claim.

15 2. A self-insured employer shall provide such notice by electronic
16 means or by certified or registered mail, as elected by the injured
17 employee, return receipt requested, to the last known address of the
18 injured employee or such employee's personal representative within four-
19 teen business days of the replacement of any claims representative or
20 the determination that the assignment of a claims representative is no
21 longer necessary. Such notice shall include the name and contact infor-
22 mation of the new claims representative when a new assignment has been
23 made.

24 § 3. Severability clause. If any clause, sentence, paragraph, subdivi-
25 sion, section or part of this act shall be adjudged by any court of
26 competent jurisdiction to be invalid, such judgment shall not affect,
27 impair, or invalidate the remainder thereof, but shall be confined in
28 its operation to the clause, sentence, paragraph, subdivision, section
29 or part thereof directly involved in the controversy in which such judg-
30 ment shall have been rendered. It is hereby declared to be the intent of
31 the legislature that this act would have been enacted even if such
32 invalid provisions had not been included herein.

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