STATE OF NEW YORK

4710

2023-2024 Regular Sessions

IN ASSEMBLY

February 22, 2023

Introduced by M. of A. MCGOWAN -- read once and referred to the Committee on Governmental Employees

AN ACT to amend the workers' compensation law and the retirement and social security law, in relation to certain medical record requirements for participants in the World Trade Center rescue, recovery, or cleanup operations

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

Section 1. Paragraphs (d) and (e) of subdivision 3 of section 161 of the workers' compensation law, paragraph (d) as added and paragraph (e) as amended by chapter 489 of the laws of 2013, are amended and a new paragraph (f) is added to read as follows:

(d) Diseases of the psychological axis, including post-traumatic stress disorder, anxiety, depression, or any combination of such conditions; [~~or~~]

(e) New onset diseases resulting from exposure as such diseases occur in the future including cancer, chronic obstructive pulmonary disease, asbestos-related disease, heavy metal poisoning, musculoskeletal disease and chronic psychological disease[~~.~~]**; or**

(f) Any disease and/or condition certified in writing by the federal World Trade Center Health Program as a World Trade Center related health condition shall be presumptive evidence that any disability or death arising from such disease and/or condition was incurred during the World Trade Center rescue, recovery and clean-up operations. This presumptive evidence will establish such disease and/or condition onto such claim without the need for medical evidence from the participants treating physician and/or an independent medical examination by an insurance carrier, self-insurer, the state insurance fund and/or employer as defined in section one hundred thirty-seven of this chapter.

§ 2. Section 162 of the workers' compensation law, as amended by chapter 561 of the laws of 2022, is amended to read as follows:

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

LBD09443-01-3

§ 162. Registration of participation in World Trade Center rescue, recovery and clean-up operations. In order for the claim of a participant in World Trade Center rescue, recovery and clean-up operations to come within the application of this article, such participant must file a written and sworn statement with the board on a form promulgated by the chair indicating the dates and locations of such participation and the name of such participant's employer during the period of participation. Such statement must be filed not later than September eleventh, two thousand [~~twenty-six~~] twenty-seven. The board shall transmit a copy of such statement to the employer or carrier named therein. The filing of such a statement shall not be considered the filing of a claim for benefits under this chapter.

§ 3. Subparagraph (i) of paragraph (a) of subdivision 36 of section 2 of the retirement and social security law, as amended by chapter 561 of the laws of 2022, is amended to read as follows:

(i) such member, or eligible beneficiary in the case of the member's death, must have either filed a written and sworn statement with the member's retirement system on a form provided by such system, or as allowed by the member's retirement system, electronically submitted a statement on a form provided by such system through a secure online portal maintained by the member's retirement system that has duly validated the member's identity, indicating the underlying dates and locations of employment not later than September eleventh, two thousand [~~twenty-six~~] twenty-seven, and

§ 4. This act shall take effect immediately; provided, however, that section one of this act shall take effect on the ninetieth day after it shall have become a law.