

# STATE OF NEW YORK

571

2023-2024 Regular Sessions

## IN ASSEMBLY

January 9, 2023

Introduced by 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:

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 or self-in-  
7 sured employer, such insurance carrier or self-insured employer shall be  
8 required to notify such injured employee or such employee's personal  
9 representative in the event that such claim is assigned to a new claims  
10 representative, or it is determined that the assignment of a claims  
11 representative is no longer necessary. For the purposes of this section,  
12 "claims representative" shall mean any employee, agent, or other repre-  
13 sentative of an insurance carrier or self-insured employer that is  
14 responsible for processing, adjudicating, or in any way effecting the  
15 settlement of a workers' compensation claim.

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

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

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

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