STATE OF NEW YORK

8957

IN ASSEMBLY

January 30, 2024

Introduced by M. of A. REYES -- read once and referred to the Committee on Labor

AN ACT to amend the workers' compensation law, in relation to communications between a claimant's attorney or representative and an injured employee's treating provider or a claimant's medical consultant

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

Section 1. Paragraph (a) of subdivision 6 of section 13-a of the workers' compensation law, as amended by section 8 of part CC of chapter 55 of the laws of 2019, is amended to read as follows:

(a) Any interference by any person with the selection by an injured employee of an authorized physician to treat him, except when the selection is made pursuant to article ten-A of this chapter, and the improper influencing or attempt by any person improperly to influence the medical opinion of any physician who has treated or examined an injured employee, shall be a misdemeanor; provided, however, that it shall not constitute interference or improper influence if, in the presence of such injured employee's physician, an employer, his carrier or agent should recommend or provide information concerning rehabilitation services or the availability thereof to an injured employee or his family. **It shall not constitute improper influence or an attempt to improperly influence if a claimant's attorney or representative communicates, verbally or in writing, with an injured employee's treating provider or a claimant's medical consultant. Such communication shall not serve as a basis to diminish or preclude the opinion of the treating provider or claimant's consultant. It shall not be presumed that a claimant's attorney or representative's communication with the injured employee's treating provider or claimant's medical consultant was an attempt to improperly influence the treating provider or medical consultant.**

§ 2. This act shall take effect immediately.

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

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