STATE OF NEW YORK

2546

2023-2024 Regular Sessions

IN SENATE

January 23, 2023

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:

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, such insurance carrier 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 that is responsible for processing, adjudicating, or in any way effecting the settlement of a workers' compensation claim.

2. An insurance carrier shall provide such notice by electronic means or by certified or registered mail, as elected by the injured employee, 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 shall include the name and contact information of the new claims representative when a new assignment has been made.

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

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

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§ 138-a. Workers' compensation claims representative replacement; self-insured employer. 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 a self-insured employer, such 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 a self-insured employer that is responsible for processing, adjudicating, or in any way effecting the settlement of a workers' compensation claim.

2. A self-insured employer shall provide such notice by electronic means or by certified or registered mail, as elected by the injured employee, 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 shall include the name and contact information of the new claims representative when a new assignment has been made.

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

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