

STATE OF NEW YORK

5315

2025-2026 Regular Sessions

IN ASSEMBLY

February 13, 2025

Introduced by M. of A. REYES, SEAWRIGHT, SHIMSKY, MEEKS, MAMDANI, BURDICK, SAYEGH, SHRESTHA, SANTABARBARA -- 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:

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

4 (a) Any interference by any person with the selection by an injured
5 employee of an authorized physician to treat [~~him~~] such injured
6 employee, except when the selection is made pursuant to article ten-A of
7 this chapter, and the improper influencing or attempt by any person
8 improperly to influence the medical opinion of any physician who has
9 treated or examined an injured employee, shall be a misdemeanor;
10 provided, however, that it shall not constitute interference or improper
11 influence if, in the presence of such injured employee's physician, an
12 employer, [~~his~~] such injured employee's carrier or agent should recom-
13 mend or provide information concerning rehabilitation services or the
14 availability thereof to an injured employee or [~~his~~] such injured
15 employee's family. It shall not constitute improper influence or an
16 attempt to improperly influence if a claimant's attorney or represen-
17 tative communicates, verbally or in writing, with an injured employee's
18 treating provider or a claimant's medical consultant. Such communication
19 shall not serve as a basis to diminish or preclude the opinion of the
20 treating provider or claimant's consultant. It shall not be presumed
21 that a claimant's attorney or representative's communication with the
22 injured employee's treating provider or claimant's medical consultant

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

LBD08154-01-5

1 was an attempt to improperly influence the treating provider or medical
2 consultant.

3 § 2. This act shall take effect immediately.