

STATE OF NEW YORK

11714

IN ASSEMBLY

September 16, 2026

Introduced by COMMITTEE ON RULES -- (at request of M. of A. Bronson) --
read once and referred to the Committee on Labor

AN ACT to amend the workers' compensation law, in relation to imposing higher percentage of interest and other civil penalties on certain employers or their workers' compensation insurance carriers for non-payment of a bill for medical care or supplies

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

1 Section 1. Subdivision 1 of section 13-g of the workers' compensation
2 law, as amended by section 3 of part CC of chapter 55 of the laws of
3 2019, is amended to read as follows:

4 (1) (a) Within forty-five days after a bill for medical care or
5 supplies delivered pursuant to section thirteen of this article has been
6 rendered to the employer or such employer's worker's compensation insur-
7 ance carrier, or to the self-insured employer responsible for payment of
8 medical benefits under this chapter, such employer or its worker's
9 compensation insurance carrier, or such self-insured employer responsi-
10 ble for payment of medical benefits under this chapter, must pay the
11 bill or notify the medical care provider or supplier in the format
12 prescribed by the chair that the bill is not being paid and explain the
13 reasons for non-payment. In the event that the employer or its worker's
14 compensation insurance carrier, or the self-insured employer responsible
15 for payment of medical benefits under this chapter, fails to make
16 payment or notify the medical care provider or supplier within such
17 forty-five day period that payment is not being made, the medical care
18 provider or supplier may notify the board in the format prescribed by
19 the chair that the bill has not been paid and request that the board
20 make an award for payment of such bill. The board or the chair may make
21 an award not in excess of the established fee schedules for any such
22 bill or part thereof which remains unpaid after said forty-five day
23 period or thirty days after all other questions duly and timely raised
24 in accordance with the provisions of this chapter, relating to the
25 employer's liability, such employer's worker's compensation insurance
26 carrier's liability, or for a self-insured employer that is responsible

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

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1 for payment of medical benefits under this chapter, such self-insured
2 employer's liability for the payment of such amount, shall have been
3 finally determined adversely to [~~the~~] such employer or such employer's
4 worker's compensation insurance carrier, or such self-insured employer
5 responsible for payment of medical benefits under this chapter, whichever
6 is later, in accordance with rules promulgated by the chair, and such
7 award may be collected in like manner as an award of compensation. The
8 chair shall assess the sum of fifty dollars against the employer for
9 each such award made by the board, which sum shall be paid into the
10 state treasury.

11 (b) In the event that the employer or its worker's compensation insur-
12 ance carrier, or the self-insured employer responsible for payment of
13 medical benefits under this chapter, has provided an explanation in
14 writing why the bill has not been paid, in part or in full, within the
15 aforesaid time period, and the parties [~~can not~~] cannot agree as to the
16 value of medical aid rendered under this chapter, such value shall be
17 decided by arbitration as set forth in rules and regulations promulgated
18 by the chair.

19 (c) Where a bill for medical care or supplies has been determined to
20 be due and owing in accordance with the provisions of this section the
21 board shall include in the amount of the award interest of not more than
22 one and one-half percent (1 1/2%) per month payable to the medical care
23 provider or supplier, in accordance with the rules and regulations
24 promulgated by the board. Interest shall be calculated from the forty-
25 fifth day after the bill was rendered or from the thirtieth day after
26 all other questions duly and timely raised in accordance with the
27 provisions of this chapter, relating to the employer's liability or such
28 employer's worker's compensation insurance carrier's liability, or for a
29 self-insured employer that is responsible for payment of medical bene-
30 fits under this chapter, such self-insured employer's liability, for the
31 payment of such amount, shall have been finally determined adversely to
32 the employer or its worker's compensation insurance carrier, or self-in-
33 sured employer responsible for payment of medical benefits under this
34 chapter, whichever is later, in accordance with rules promulgated by the
35 chair.

36 (d) If the employer or its worker's compensation insurance carrier, or
37 the self-insured employer responsible for payment of medical benefits
38 under this chapter, fails to pay an award within fifteen days after the
39 award is rendered by the board pursuant to this subdivision, interest
40 shall accrue on the unpaid amount beginning on the sixteenth day after
41 the award is rendered and shall be payable at the rate of three percent
42 per month until the award is paid in full.

43 (e) A medical care provider or supplier that alleges a pattern or
44 practice of non-payment by the employer or its worker's compensation
45 insurance carrier, or the self-insured employer responsible for payment
46 of medical benefits under this chapter, may file a claim with the board,
47 in a form and manner prescribed by the chair, requesting a determination
48 that such employer or its worker's compensation insurance carrier, or
49 such self-insured employer responsible for payment of medical benefits
50 under this chapter, has engaged in a pattern or practice of non-payment
51 and seeking a special award for payment of the bill or bills at issue.

52 (f) Where the board determines that a pattern or practice of non-pay-
53 ment exists and that payment is due and owing pursuant to this subdivi-
54 sion, the board shall include in the award interest at a rate of not
55 less than three percent and not more than five percent per month. In
56 determining the applicable rate of interest, the board shall consider

1 the severity, duration, and frequency of the pattern or practice of
2 non-payment, including the number of violations, the length of time over
3 which such conduct occurred, and the number of medical care providers or
4 suppliers adversely affected.

5 (g) In cases involving egregious or repeated violations constituting a
6 pattern or practice of non-payment, the board may, in addition to any
7 interest awarded pursuant to this subdivision, impose a civil penalty in
8 an amount not to exceed twenty-five percent of the amount determined to
9 be due and owing. Such penalty shall be payable immediately upon issu-
10 ance of the board's decision.

11 (h) For purposes of this subdivision, the term "pattern or practice"
12 shall mean:

13 (i) three or more violations of this subdivision by the same employer
14 or its insurance carrier, or by the same self-insured employer responsi-
15 ble for payment of medical benefits under this chapter, within a twelve-
16 month period with respect to one or more medical care providers or
17 suppliers; or

18 (ii) such other repeated conduct as the chair determines demonstrates
19 a systemic failure to comply with the requirements of this subdivision,
20 including repeated untimely payment of claims, repeated untimely notices
21 of denial or objection, or other recurring payment practices that unrea-
22 sonably delay reimbursement to medical care providers or suppliers.

23 § 2. This act shall take effect immediately.