

STATE OF NEW YORK

530

2025-2026 Regular Sessions

IN ASSEMBLY

(Prefiled)

January 8, 2025

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

AN ACT to amend the workers' compensation law, in relation to the establishment of rates of payment and delivery of health care services

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

1 Section 1. The closing paragraph of subdivision (a) of section 13 of
2 the workers' compensation law, as amended by chapter 6 of the laws of
3 2007, is amended to read as follows:

4 The chair, in consultation with the board's medical director, shall
5 biennially prepare and establish a schedule for the state, or schedules
6 limited to defined localities, of charges and fees for such medical
7 treatment and care, and including all medical, dental, surgical, optome-
8 tric or other attendance or treatment, nurse and hospital service, medi-
9 cine, optometric services, crutches, eye-glasses, false teeth, artifi-
10 cial eyes, orthotics, prosthetic devices, functional assistive and
11 adaptive devices and apparatus in accordance with and to be subject to
12 change pursuant to rules promulgated by the chair. Before preparing such
13 schedule for the state or schedules for limited localities the chair
14 shall request the president of the medical society of the state of New
15 York and the president of the New York state osteopathic medical society
16 ~~[to] submit [to him or her]~~ a report on the amount of remuneration
17 deemed by such society to be fair and adequate for the types of medical
18 care to be rendered under this chapter, but consideration shall be given
19 to the view of other interested parties. In the case of physical therapy
20 fees schedules the chair shall request the president of ~~[a recognized~~
21 ~~professional association representing physical therapists in the state~~
22 ~~of New York to]~~ the New York physical therapy association submit ~~[to him~~
23 ~~or her]~~ a report on the amount of remuneration deemed by such associ-
24 ation to be fair and reasonable for the type of physical therapy

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

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1 services rendered under this chapter, but consideration shall be given
2 to the views of other interested parties. The chair shall also prepare
3 and establish a schedule for the state, or schedules limited to defined
4 localities, of charges and fees for outpatient hospital services not
5 covered under the medical fee schedule previously referred to in this
6 subdivision, to be determined in accordance with and to be subject to
7 change pursuant to rules promulgated by the chair. Before preparing such
8 schedule for the state or schedules for limited localities the chair
9 shall request the president of the hospital association of New York
10 state ~~[to]~~ submit ~~[to him or her]~~ a report on the amount of remuneration
11 deemed by such association to be fair and adequate for the types of
12 hospital outpatient care to be rendered under this chapter, but consid-
13 eration shall be given to the views of other interested parties. In the
14 case of occupational therapy fees schedules the chair shall request the
15 president of a recognized professional association representing occupa-
16 tional therapists in the state of New York ~~[to]~~ submit ~~[to him or her]~~ a
17 report on the amount of remuneration deemed by such association to be
18 fair and reasonable for the type of occupational therapy services
19 rendered under this chapter, but consideration shall be given to the
20 views of other interested parties. The amounts payable by the employer
21 for such treatment and services shall be the fees and charges estab-
22 lished by such schedule. Nothing in this schedule, however, shall
23 prevent voluntary payment of amounts higher or lower than the fees and
24 charges fixed therein, but no physician rendering medical treatment or
25 care, and no physical or occupational therapist rendering their respec-
26 tive physical or occupational therapy services may receive payment in
27 any higher amount unless such increased amount has been authorized by
28 the employer, or by decision as provided in section thirteen-g of this
29 article. Nothing in this section shall be construed as preventing the
30 employment of a duly authorized physician on a salary basis by an
31 authorized compensation medical bureau or laboratory.

32 § 2. Subdivision 2 of section 13-k of the workers' compensation law,
33 as amended by section 4 of part CC of chapter 55 of the laws of 2019, is
34 amended to read as follows:

35 2. An employee injured under circumstances which make such injury
36 compensable under this article, when care is required for an injury to
37 the foot which injury or resultant condition therefrom may lawfully be
38 treated by a duly registered and licensed podiatrist of the state of New
39 York, may select to treat ~~[him or her]~~ such employee any podiatrist
40 authorized by the chair to render podiatric medical care, as hereinafter
41 provided. If the injury or condition is one which is without the limits
42 prescribed by the education law for podiatric medical care and treat-
43 ment, or the injuries involved affect other parts of the body in addi-
44 tion to the foot, ~~[the said]~~ such podiatrist must so advise ~~[the said~~
45 ~~injured employee]~~ and instruct ~~[him or her to]~~ such injured employee
46 consult a physician of ~~[said employee's]~~ choice for appropriate care and
47 treatment. Such physician shall thenceforth have overall supervision of
48 the treatment of said patient including the future treatment to be
49 administered to the patient by the podiatrist. If for any reason during
50 the period when podiatric medical treatment and care is required, the
51 employee ~~[wishes to]~~ may transfer ~~[his or her]~~ treatment and care to
52 another authorized podiatrist ~~[he or she may do so]~~, in accordance with
53 rules prescribed by the chair, provided however that the employer shall
54 be liable for the proper fees of the original podiatrist for the care
55 and treatment ~~[he or she shall have]~~ rendered. The chair, in consulta-
56 tion with the board's medical director, shall biennially prepare and

1 establish a schedule for the state, or schedules limited to defined
2 localities, of charges and fees for podiatric medical treatment and
3 care, to be determined in accordance with and to be subject to change
4 pursuant to rules promulgated by the chair. Before preparing such sched-
5 ule for the state or schedules for limited localities the chair shall
6 request the podiatric medicine practice committee to submit ~~[to him or~~
7 ~~her]~~ a report on the amount of remuneration deemed by such committee to
8 be fair and adequate for the types of podiatric medical care to be
9 rendered under this chapter, but consideration shall be given to the
10 view of other interested parties. The amounts payable by the employer
11 for such treatment and services shall be the fees and charges estab-
12 lished by such schedule.

13 § 3. Subdivision 2 of section 13-1 of the workers' compensation law,
14 as amended by section 5 of part CC of chapter 55 of the laws of 2019, is
15 amended to read as follows:

16 2. An employee injured under circumstances which make such injury
17 compensable under this article, when care is required for an injury
18 which consists solely of a condition which may lawfully be treated by a
19 chiropractor as defined in section sixty-five hundred fifty-one of the
20 education law may select to treat ~~[him or her]~~ such employee, any duly
21 registered and licensed chiropractor of the state of New York, author-
22 ized by the chair to render chiropractic care as hereinafter provided.
23 If the injury or condition is one which is outside the limits prescribed
24 by the education law for chiropractic care and treatment, the said
25 chiropractor must so advise ~~[the said injured employee]~~ and instruct
26 ~~[him or her to]~~ such injured employee consult a physician of said
27 employee's choice for appropriate care and treatment. Such physician
28 shall thenceforth have supervision of the treatment of said condition
29 including the future treatment to be administered to the patient by the
30 chiropractor. The chair, in consultation with the board's medical direc-
31 tor, shall biennially prepare and establish a schedule for the state, or
32 schedules limited to defined localities of charges and fees for chirop-
33 ractic treatment and care, to be determined in accordance with and to be
34 subject to change pursuant to rules promulgated by the chair. Before
35 preparing such schedule for the state or schedules for limited locali-
36 ties the chair shall request the chiropractic practice committee ~~[to]~~
37 submit ~~[to him or her]~~ a report on the amount of remuneration deemed by
38 such committee to be fair and adequate for the types of chiropractic
39 care to be rendered under this chapter, but consideration shall be given
40 to the view of other interested parties, the amounts payable by the
41 employer for such treatment and services shall be the fees and charges
42 established by such schedule.

43 § 4. Subdivision 3 of section 13-m of the workers' compensation law,
44 as amended by section 6 of part CC of chapter 55 of the laws of 2019, is
45 amended to read as follows:

46 3. The chair, in consultation with the board's medical director, shall
47 biennially prepare and establish a schedule for the state or schedules
48 limited to defined localities of charges and fees for psychological
49 treatment and care, to be determined in accordance with and be subject
50 to change pursuant to rules promulgated by the chair. Before preparing
51 such schedule for the state or schedules for limited localities the
52 chair shall request the psychology practice committee to submit to such
53 chair a report on the amount of remuneration deemed by such committee to
54 be fair and adequate for the types of psychological care to be rendered
55 under this chapter, but consideration shall be given to the view of
56 other interested parties. The amounts payable by the employer for such

1 treatment and services shall be the fees and charges established by such
2 schedule.

3 § 5. Notwithstanding the provisions of section one of this act or of
4 any other law, rule or regulation to the contrary, a revision to the fee
5 schedules established pursuant to sections 13, 13-k, 13-l and 13-m of
6 the workers' compensation law existing as of the effective date of this
7 act shall be published by the chair of the workers' compensation board
8 on behalf of such board no later than one year following the effective
9 date of this act. Subsequent biennial schedules shall be published in
10 final form on January fifteenth every other year. Nothing in this
11 section shall limit the authority of the chair of the workers' compen-
12 sation board to make adjustments in the fee schedule other than at the
13 biennial publication.

14 § 6. This act shall take effect immediately.