



NYSIA
New York Self-Insurers Association

2024 ANNUAL MEETING

LEGISLATIVE UPDATE

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Agenda

- 2023 - 2024 Legislature
- 2023 Legislation
 - Vetoed
 - Signed
- Major Reform Anticipated

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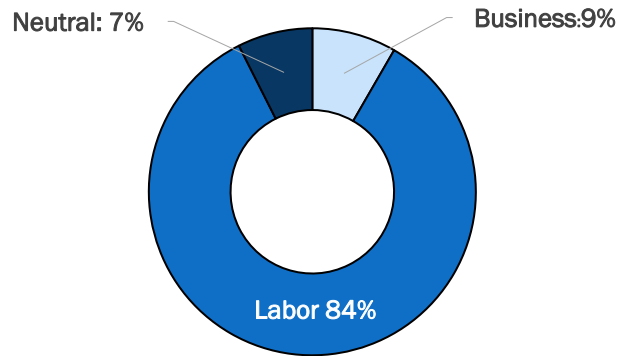
2023-2024 NYS Legislature

- One Party Control
- 14,916 Bills Introduced
869 Passed Both Houses
- 100+ Workers' Compensation Bills
- Executive Action
- State Budget Due April 1

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2023 Workers' Compensation Bills

Labor Bills Dramatically Transform the WC Landscape



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2023 Legislation

Vetoed

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Mandatory Initial Hearings – A.6208/S.5867

Amends WCL §§ 20 & 25 to Require a Hearing on Every Indexed Claim

Vetoed – December 1, 2023

Requires a Hearing to be Held on Every Claim Within 60 Days of Indexing

- Hearing Requests Must be Granted without limitations, prerequisites or penalties
- Hearings Must be Scheduled Within 45 Days of Request
- Verbatim Reporters Required to Transcribe the Minutes of Every Hearing
- Minutes to be Provided at No Cost to Claimant in Their Native Language

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Paid Family Leave Commission - A.4676-A/S.1554-B

Vetoed – November 17, 2023

Creates a Temporary Commission to Conduct a Comprehensive Study on the Current Utilization of Paid Family Leave

- 12 Governor Appointed Members of the Commission
- Chair of the WCB serves as the chair of the Commission
- Produce a Report Within One Year of the Comprehensive Study
- Provide Recommendations on How to Remove Barriers to Use

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2023 Legislation

Signed



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Minimum Rate – A.2304-A/S.1161-A

Amends WCL§ 15(6) to Increase the Minimum Amount of Compensation

Signed – September 6, 2023

Increases the current minimum weekly rate from \$150 to not less than 1/5 of State Average Weekly Wage (SAWW)

- Yearly indexes
- Incremental increases for 2 years:
 - \$275/week for DOA or disabilities starting 1/1/2024, \$325/week for DOA or disabilities between 1/1/2025 and 7/1/2026, starting 7/1/2026 indexed to 1/5th of SAWW
 - Impact of minimum rate includes all disabilities- PPD, TPD, PTD, and TTD
- Employee receives full wages if equal to or less than 1/5 of SAWW

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Expansion of Language Access– A.5609/S.6096

Amended WCL § 17-a to Increase the Provision of Language Access Services

Signed - September 15, 2023

All Vital Documents and WCB Forms That Provide Information to Injured Workers Regarding Filing for Workers' Compensation Benefits Shall be Translated Subject to Executive Law 202-A

- Vital Documents and WCB Forms Must be Translated into 12-16 Languages vs. 10
- WCB Required to Hire Language Access Coordinator (Hired Prior to Bill)
- WCB Required to Develop and Publish a Language Access Plan

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Public Group Trust – A.52-B/S.6410-A

Amended WCL § 50 to Authorize Certain Groups to Self-Insure as a Group

Signed - September 15, 2023

Sets Forth the Criteria and Regulatory Oversight for Public Group Self-Insurers

- Deductible Options Regulated by WCB
- Imposes Additional Restrictions on Offering Deductible Programs
- Mitigates Risk of Insolvency

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Anticipated Legislation



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Major Reform Revisited

Pharmacy Choice - A.1219/S.1974

- Amends WCL § 13
- Removes Requirement to Use Contracted Network Pharmacy

Permanent Total Disability - A.391/S.1799

- Amends WCL § 15 to Add Additional Definitions to PTD
- Imputes SSD Findings on the WCB

Extreme Hardship - A.294/S.1798

- Amends WCL § 35(3)
- Reduces "Extreme Hardship" threshold from LWEC of 75% to LWEC of 50%

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Major Reform Revisited

Labor Market Attachment Removal – A6192-A/S.6074-A

- Amends WCL § 15
- No Labor Market Attachment Pending Classification

Mental Stress - A.5745/S.6635

- Amends WCL § 10
- Expands First Responder Carve-Out for Mental Stress Injuries to Include All Employees

Temporary Total Definition - A6707

- Amends WCL § 15 (2) to define "Temporary Total Disability"
- Defines TTD as an Inability to Perform One's Pre-Injury Employment Duties or Any Modified Duty Employment Offered by the Employer That is Consistent With the Employee's Disability

Expansion of Treating Providers – A1204/S.6501

- Amends WCL § 13 (b)
- Allows PT/OT Assistants to Treat

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THANK YOU!

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"When eagles are silent the parrots begin to jabber."

– Winston Churchill

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