



2024 SPRING WORKSHOP

LEGISLATIVE UPDATE

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Agenda

2024 NYS Legislature

2024-2025 Executive Budget

2024 Legislative Session

2024 Notable Legislation

Major Reform Revisited

2024 NYS Legislature

One Party Control

140+ Workers' Compensation Bills

Executive Action



2024-25 Executive Budget



2024 Legislative Session

2023 Pending Workers' Comp Bills - Labor Bills Dramatically Transform the WC Landscape



Pharmacy Network - A.1219-A/S.1974-A

Amends WCL § 13 to Allow for the Use of Non-Network Pharmacies

Status – Passed Senate on 3/20/24; Passed Assembly on 5/30/24

Allows workers' compensation claimants to use any pharmacy when the following are present:

- Carrier refuses to provide payment or authorization for approved medication;
- Carrier fails to reauthorize medication by:
 - failing to respond to a reauthorization request;
- Medical reports have not been filed for reauthorization or the filed medical report contains a defect;
- Medication has been previously reauthorized, but the carrier denies reauthorization based upon the treatment guidelines;
- IME denies reauthorization or MMI has been reached; and
- Case in process of settlement

PT & OT Assistants – A.1204-A/S.9462-A

Amends WCL§13-b to Allow Physical Therapy Assistants and Occupational Therapy Assistants to Render Treatment

Status –Passed Assembly 5/23/24; Passed Senate 6/4/24

Authorizes treatment of workers' compensation injuries by an occupational therapy assistant and a physical therapy assistant under the supervision of authorized PT and OT

- Directs certain records to be retained

Mental Stress – A.5745/S.6635

Amends WCL § 10 to Eliminate Case Law Requirement For Mental Stress Injuries

Status – Passed Senate 4/14/24; Passed Assembly 6/5/24

Expands WCL § 10 first responder carve-out for mental stress injuries to include all employees and eliminates the requirement that the stress stems from a work emergency

- Greater Than Similarly Situated Worker in the Normal Work Environment
- “Extraordinary” Work-Related Stress vs. “Ordinary” Work-Related Stress
- Eliminates the requirement that the work stress occurred during a work emergency

Access to Treatment (Pre-Authorization) – A.6832-A/S.6929

Amends WCL§13-a(5) to Raise the Limit for Treatment Requiring Pre-authorization

Status – Passed Senate 6/5/24; Passed Assembly 6/7/24

Allows for treatment costing less than \$1,500 to be done without prior approval

- More clearly defines the list of “pre-authorized procedures” as a floor on treatment as opposed to its current state as a ceiling;
- Allows non-network providers of testing to be compensated at the provider network rate negotiated by the carrier.

2024 Legislative Session: Notable Legislation



Notable Legislation – Passed One House

Bill Number(s)	Status	Impact
A.8957 S.8323	Passed Senate 5/23/24 Ref'd to Labor in A.	Communication With Claimant's Medical Providers – WCL § 13-a Allows for the communication between claimant's attorney and medical providers without disclosure to carrier
A.8950 S.8344	Passed Senate 5/16/24 Ref'd to Labor in A.	Redefines A Carrier's Credit Against PPD Payments – WCL § 15(3)(w) Credit for payments in excess of 130 weeks benefits <u>paid</u> as opposed to payments made in excess of 130 weeks post DoA
A.4617-A S.3117-A	Passed Senate 4/9/24 Ref'd to Labor in A.	Lyme Disease and Other Tick-Borne Illnesses – WCL § 3(2) Lyme Disease as Occupational Disease.
A.6108-A S.1027-B	Passed Senate 3/12/24 Ref'd to Labor in A.	Employment Discrimination in PFL - WCL § 120 Request for reinstatement not necessary to file a complaint for unlawful discriminatory practice
S-6651	Passed Senate 4/16/24 Delivered to A.	Massage Therapy - WCL § 13-b Allows licensed massage therapists to treat claimants upon prescription or referral from authorized provider
A.10561 S.9840	Passed Senate 6/7/24 Delivered to A.	Increase Short Term Disability Benefits - WCL § 200 Progressive increase to Disability Benefits (up to 67% of AWW capped at 60% SAWW)

Notable Legislation

Bill Number	Impact
A.3300	Compensation for Loss of a Fetus - WCL § 15(3)(m-1) Compensation for the loss of a fetus is 312 weeks
A.8408-A A.9804 S.8544-A	Reopening of COVID-19 Death Claims - WCL § 3-a One year window to file time-barred, or reopen previously denied, COVID-19 death claims
A.9106-A S.8452-A	Board Issues Stop Work Orders - WCL § 142-a Allows the Board to issue stop work orders for coverage violations

Major Reform Revisited

Bill Number	Impact
A.391 S.1799	Permanent Total Disability – WCL § 15 Redefines what constitutes permanent total disability.
A.6707	Temporary Total Disability – WCL § 15 Redefines what constitutes temporary total disability.
A.294 S.1798	Extreme Hardship – WCL § 35 Broadly Defines Extreme Hardship. Lowers LWEC 50%.
A.6192-A S.6074-A	Removes Attachment to the Labor Market as a Defense – WCL § 15 No LMA argument pending classification
A.8988-A S.8445-A	Mandatory Hearings in All Cases - WCL § 20 Requires a hearing to be held on every claim within 60 days of Indexing

THANK YOU!

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“The law, changed and changeable on slight provocation, loses its sanctity and authority.”

– Calvin Coolidge