



**NYSIA**  
New York Self-Insurers Association

2025 ANNUAL MEETING

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LEGISLATIVE UPDATE

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# Agenda

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2024 Legislature

2024 Legislation

- Vetoed
- Signed

Major Reform Reintroduced

# 2024 NYS Legislature

One Party Control

17,234 Bills Introduced  
140+ WC Bills

805 Bills Passed Both Houses

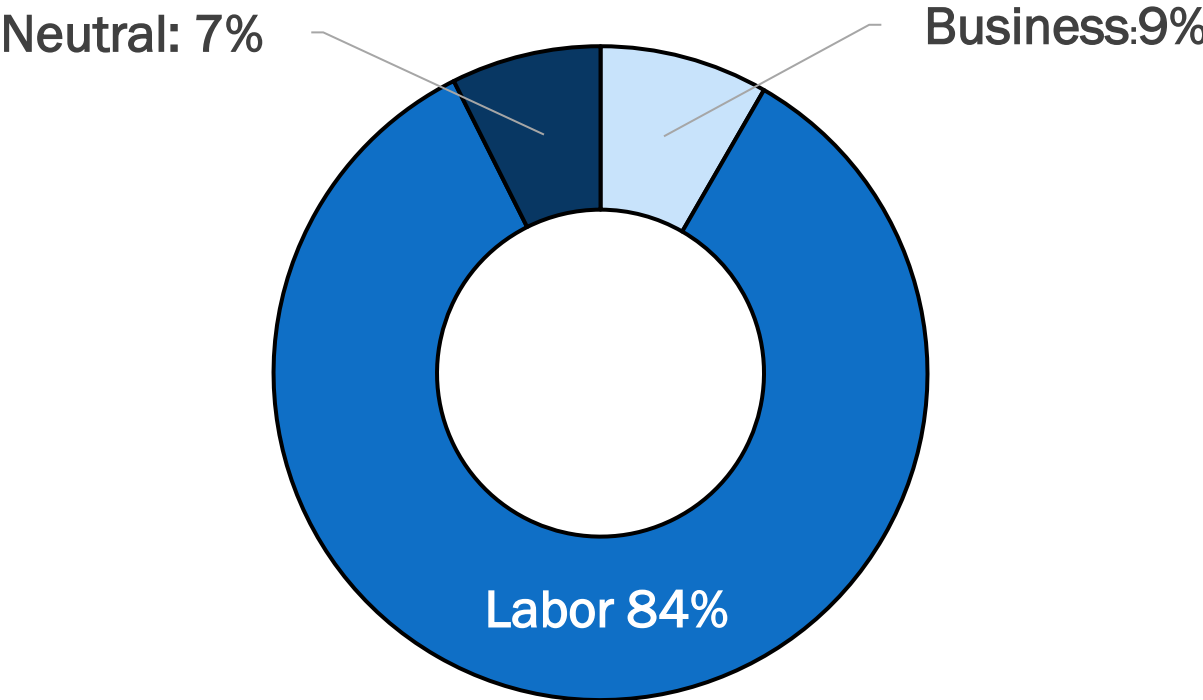
Executive Action

State Budget

# 2024 Workers' Compensation Bills

## Labor Bills Dramatically Transform the WC Landscape

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# 2024 Legislation

Vetoed

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

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

**VETOED – December 13, 2024**

Allows workers' compensation claimants to use any in-state pharmacy that is registered with the NYS Department of Education 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

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

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

**VETOED – November 22, 2024**

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 Legislation

Signed

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# 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

**SIGNED – September 27, 2024**

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

**SIGNED – December 6, 2024**

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

# Mental Stress – S.755

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

Introduced – January 8, 2025

Limits the recent expansion of the WCL § 10 first responder carve-out for mental stress injuries by requiring additional elements.

- Board may not disallow a claim by a covered employee upon a factual finding that the stress was not greater than that which usually occurs in the normal work environment if:
  - The claim is for an explicitly enumerated condition
    - Post-Traumatic Stress Disorder
    - Acute Stress Disorder
    - Major Depressive Disorder;
  - Explicitly enumerated condition must be predicated upon medical evidence diagnosing said condition based upon criteria in DSM (or otherwise adopted by the Board – so long as no more stringent than DSM);
  - Covered employee must demonstrate that such disorder arose out of extraordinary work-related stress that is attributable to a distinct work-related event or events that are:
    - Directly related to the employment and
    - Occurring during the performance of the employee's job duties.

# Reintroduced Legislation

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# Major Reform Reintroduced

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## Access to Treatment – S.0304

- Amends WCL § 13-a(5)
- Defines the list of “pre-authorized procedures” as the floor for treatment as opposed to the ceiling.

## Elimination of Labor Market Attachment- S.0305

- Amends WCL § 15
- No labor market attachment showing necessary unless a prior finding of unrelated wage loss.

## Elimination of Labor Market Attachment - A.0191

- Amends WCL § 15
- No labor market attachment showing necessary for temporarily partially disabled claimants.

# Major Reform Reintroduced

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## Pharmacy Choice – S.0306

- Amends WCL § 13 and §13-a
- Non-network pharmacies and diagnostic testing providers paid at network rate.

## Lookback Window for COVID Claims – S.0285

- Adds WCL § 3-a to allow for the reopening of claims for disability caused by COVID-19.
- One year window to file time-barred, or reopen previously time-barred, COVID-19 claims.

## Increase Short Term Disability Benefits - S.0172

- Amends WCL § 204
- Progressive increase to Disability Benefits (up to 67% of AWW capped at 67% of SAWW)

THANK YOU!

Paul M. Zaragoza

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

– Calvin Coolidge