



NEW
YORK
STATE

Workers'
Compensation
Board

A group of approximately 15 diverse professionals, including men and women of various ethnicities, are posed for a group photo in front of a wall with the Workers' Compensation Board logo. They are dressed in business attire and are smiling at the camera.

A BETTER BOARD UPDATES FOR 2025

CLARISSA RODRIGUEZ, CHAIR
STEVEN SCOTTI, EXECUTIVE DIRECTOR

JANUARY 11, 2025

NEW HIRES! LOTS OF THEM!

Board Staff

- **24%** of WCB staff hired within the past two years

Workers' Compensation Law Judges

- Number of judges increased from 75 to **100** within past two years
- Increase has substantially reduced cases waiting for a hearing

Claims Examiners

- **70** claims examiners hired in 2024
- More staff, more efficient claims processing
- Prioritized claims that need hearings
- Established priorities for pending work items



FOCUS ON EMPLOYEE ENGAGEMENT

1. Big Ideas, Little Ideas
2. Progress on DEI initiatives
3. Getting to our “core values”



PRESTIGIOUS AWARDS

NYSBA award for virtual hearings system



AGA's Eleanor Clark Diversity Leadership Award



Dominican Bar Assoc.'s Trailblazer Award



SENATE LABOR COMMITTEE HEARING

- Testified May 15
- Shared updates on system improvements
- Made improvements following feedback: Case indexing, proposed pharmacy regulation, attracting providers



PROVIDER LANDSCAPE

SPECIALTY	NO. OF PROVIDERS
Acupuncturist*	356
Chiropractor	1,524
Licensed Clinical Social Worker*	195
Nurse Practitioner*	2,082
Occupational Therapist*	918
Physical Therapist*	6,554
Physician	9,891
Physician Assistant*	2,078
Podiatrist	475
Psychologist	340

TOTALS	
Authorized Providers	24,413
Authorized and Active Providers	18,383

*Able to be authorized starting Jan 2020



2024 CONFERENCE

A COMPference to remember!

- Sold-out event, attended by more than 250 people
- Educational credits for providers, attorneys
- Topics included support services for injured workers, system improvements yielding efficiencies in claims-filing process
- Frances Perkins Award presented to Remember the Triangle Fire Coalition



ABOUT THE BOARD: PUBLIC EDUCATION

OUTREACH TO MORE THAN **40,000 PEOPLE!**

6,400+

people attended **Workers' Comp 101** and **202** webinars

3,200+

people attended **Employer** webinars

3,000+

people attended **COVID-19 & Workers' Comp** webinars

8,600+

people attended other **stakeholder-targeted** webinars

18,800+

people attended **Paid Family Leave** webinars

SHARING EFFICIENCY ENHANCEMENTS

- **Tips and best practices** for utilizing Board systems, processes, and forms in the most efficient, effective manner
- **Recent topics:**
 - Proper completion and submission of forms
 - PAR reminders (including when PARs are not needed)
 - Health care efficiencies
 - Legal efficiencies
- Subscribe for Board updates at wcb.ny.gov/Notify

The screenshot displays the 'efficiency enhancements' website with the tagline 'BEST PRACTICES FROM THE BOARD'. It is divided into two main sections: 'Legal Efficiencies' (Issue 4) and 'Health Care Efficiencies' (Issue 3). The 'Legal Efficiencies' section includes articles on paying deposition fees promptly, requesting extensions no later than 14 days, submitting summary of payments in a Subsequent Report of Injury, and proper completion of OC-110A OR forms. The 'Health Care Efficiencies' section includes articles on most perioperative medications not requiring prior authorization, detailed guidance for medical billing disputes, and a reminder about enhanced reimbursement for primary care and behavioral health providers under Ground Rule 17.

Legal Efficiencies Issue 4

Pay deposition fees promptly
As a reminder, deposition fees should be paid promptly for Board instruction or a Board Notice of Deposition.

Request extensions no later than 14 days
Please submit requests for extensions of time as soon as possible, but no later than 14 days after the date directed to be submitted. This will allow sufficient time to prevent an unnecessary adjournment or withdrawal of the case.

Submit summary of payments in a Subsequent Report of Injury
If awards encompassing different time periods are made prior to that hearing, payers should submit the form of a Subsequent Report of Injury for the case. This helps avoid delays the payment of attorneys' fees.

Proper completion of OC-110A OR
Make sure any Request for Judicial Order is filled in completely. In the field labeled WCB access to. If you do not have the WCB case access to. If you do not have the WCB case access to, such as date/year of accident, e section, fully detail the purpose of your request to WCB # ____ is requested for appointment to knee, which is also at issue in our file, WCB # ____.

Speak with your client before the hearing
Attorneys and legal representatives are urged to call. This ensures parties are prepared for hearing to be re-called or adjourned.

Health Care Efficiencies Issue 3

Most perioperative medications do not require prior authorization
As a reminder for health care providers, the *New York Workers' Compensation Drug Formulary* includes a perioperative drug list – a list of medications that do not require a prior authorization request (PAR) for treating an injured worker during the perioperative period. The perioperative period is the period of time four days before through four days following a surgery.

Detailed guidance for medical billing disputes now available
The Board has created a new medical billing disputes section of our website with important guidance for health care providers about submitting a Request for Decision on Unpaid Medical Bills (Form HP-1.0), along with detailed information on the arbitration process. This includes required documentation and recommended actions for common scenarios as well as answers to the Board's most frequently asked questions regarding billing disputes.

Reminder: Enhanced reimbursement for primary care, behavioral health providers
In case you missed it, the *Official New York State Workers' Compensation Medical Fee Schedule (2019)* includes two ground rules that provide for 20% enhanced reimbursement for certain specialty providers to increase provider participation in those areas.

- Ground Rule 17, the Designated Provider Enhanced

THOUGHT LEADERSHIP



SMALL BUSINESS TOUR

NEW YORK STATE Small Business Tour



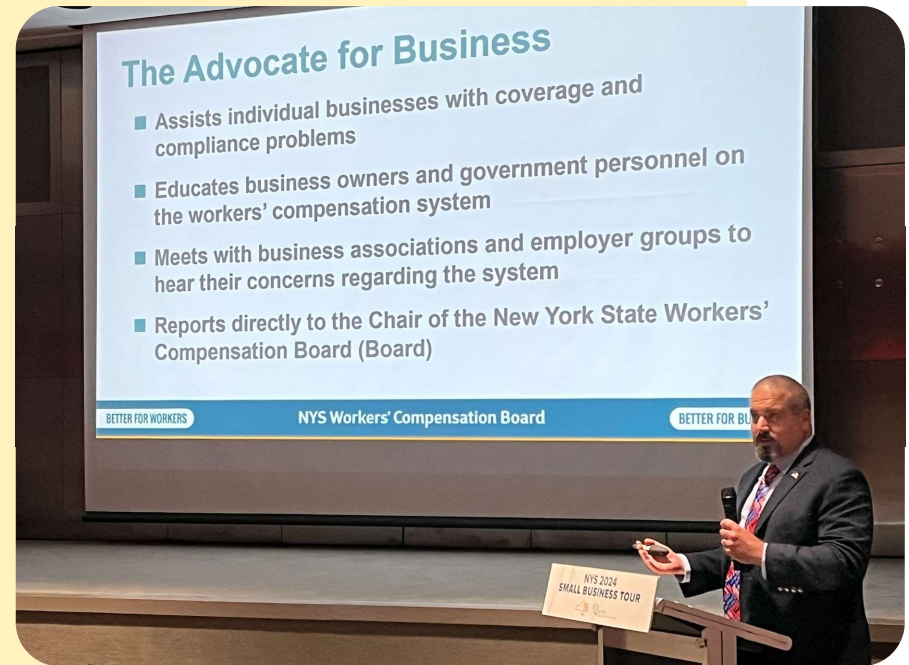
The Advocate for Business

- Assists individual businesses with coverage and compliance problems
- Educates business owners and government personnel on the workers' compensation system
- Meets with business associations and employer groups to hear their concerns regarding the system
- Reports directly to the Chair of the New York State Workers' Compensation Board (Board)

BETTER FOR WORKERS

NYS Workers' Compensation Board

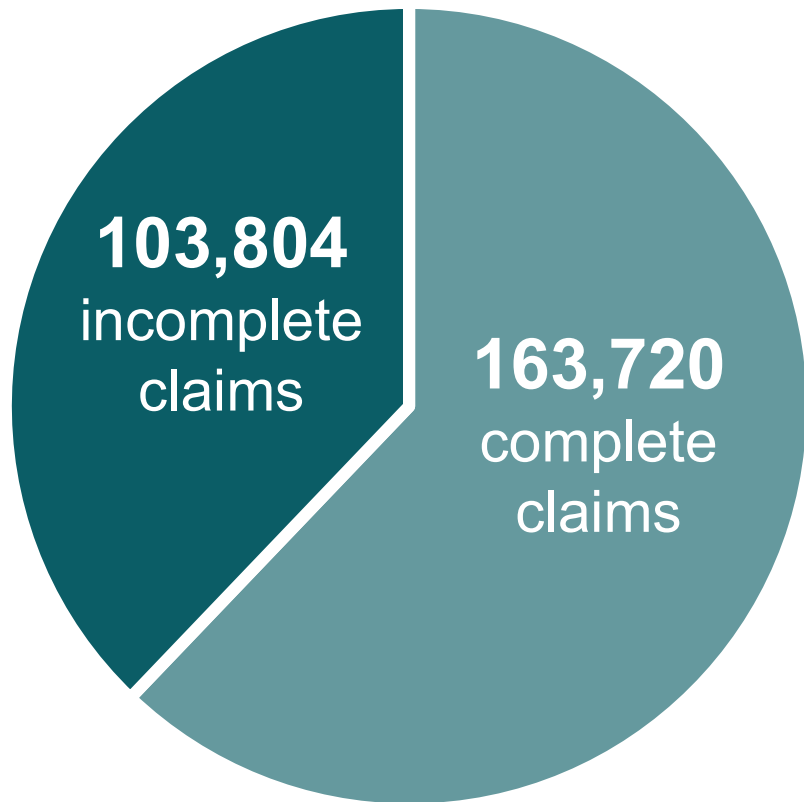
BETTER FOR BU



ABOUT THE BOARD - IN 2024

\$219M	annual budget and 1,025 employees statewide
516,910	phone calls fielded regarding workers' comp and disability
37,374	calls regarding Paid Family Leave
10,000	emails and 10,000 calls to the Advocate for Injured Workers
6,800	emails and 2,700 calls to the Advocate for Business
35,000	interpretation services and 1,600 document translations provided through our Language Access unit
9.1M	documents scanned
914,000	notices created and issued
241,000	hearings held

ASSEMBLED CLAIMS



267,524 claims assembled in 2023

- Majority of incidents reported by payers
- 12% reported via *Employee Claim Form, C-3*

163,720 of all assembled claims for 2023 were **complete***

103,804 were **incomplete**

**To be considered a complete claim, the Board must receive a formal notice of the injury from the insurer and a qualifying medical document.*

INJURY REPORTING & PAYMENTS

REPORTING

2015
35% timely reports



2024
83% timely reports



PAYMENTS

2015
38% timely payments



2024
91% timely payments



EMPLOYER LANDSCAPE

780,017 employers in New York State

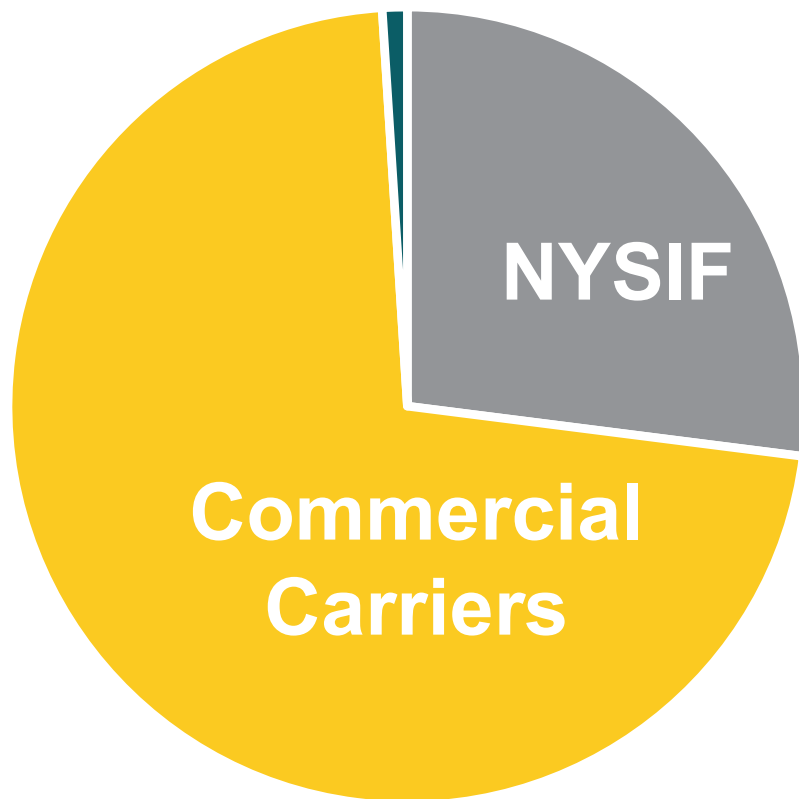
95% of employers were in compliance

48,221 penalties issued to employers who lacked coverage

7.1% employer assessment rate for 2025

\$191M employer savings, a result of last year's rate cut

INSURER LANDSCAPE



27% of employers are insured by NYSIF

72% of employers are insured by commercial carriers

1% of employers are self-insured (SIEs)

DOL Q1 & Q2 for 2024: (92 active SIEs) =

\$38B+ in private individual SIE payroll (5% of NY) & 702,802 private individual SIE employees (8% of NY)

Source: CIRB



ONBOARD AND MOVING FORWARD WITH SYSTEM EFFICIENCIES

STEVEN SCOTTI, EXECUTIVE DIRECTOR

ONBOARD MODERNIZATION PROGRAM: ELECTRONIC FILING EFFICIENCIES FOR CLAIMS

PAPER

8 Days
Mailing, scanning, assignment to
Board personnel

20% of requests returned for
resubmission

Manual review for reassignment

10 Seconds
Viewable in eCase and assigned to
Board personnel

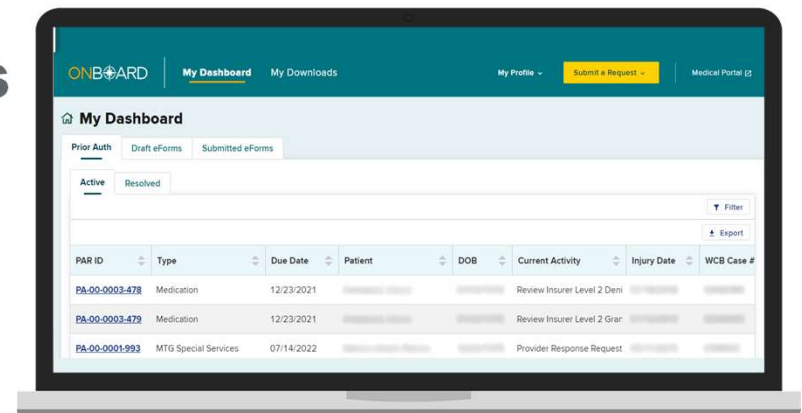
Data quality controls ensure
submissions are proper

Automated assignments to correct
Board personnel

ELECTRONIC

ONBOARD: PRIOR AUTHORIZATION REQUESTS (PARS)

- Online submission for **all** medical PARs
- **Over 75 PAR process enhancements** since May 2022 rollout
- To date: **2,000,000+ PARs handled**
 - **92%** without escalation to MDO
 - Fewer than **1%** needed a hearing
 - **95%** of medication, DME, Special Services, and mental health PARs are resolved within one day with the remaining 5% resolved within two days
 - Authorization significantly **expedited** in comparison to prior paper requests

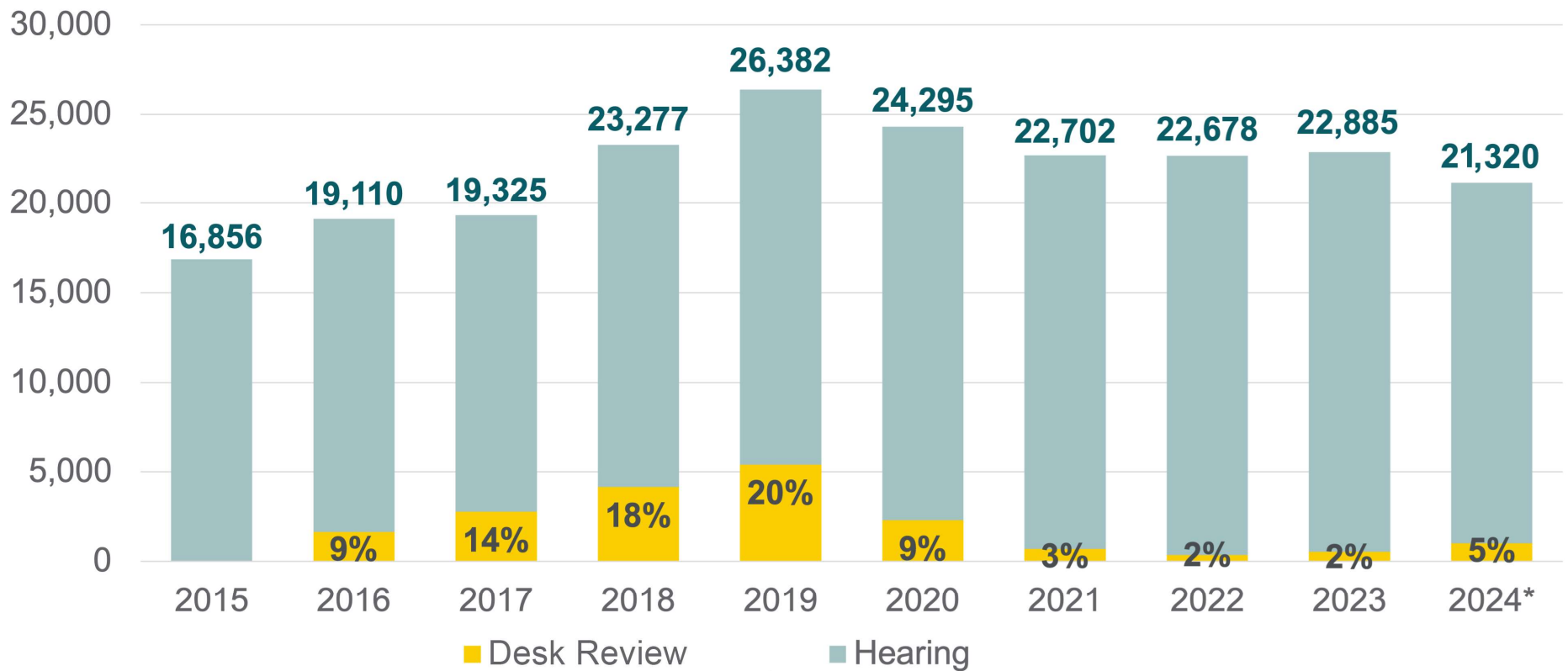


2024 PROCESS IMPROVEMENTS ELIMINATE MEDICAL BILLING DISPUTE BACKLOG (HP-1)

- MDO eliminates longstanding backlogs for administration and arbitration HP-1 awards
 - 1-2 months for administrative awards
 - Within 3 months for arbitration awards
- Implemented standardized information requirements
- Published documentation expectations for submission and responses
- Updated WCB arbitrator list and arbitration process

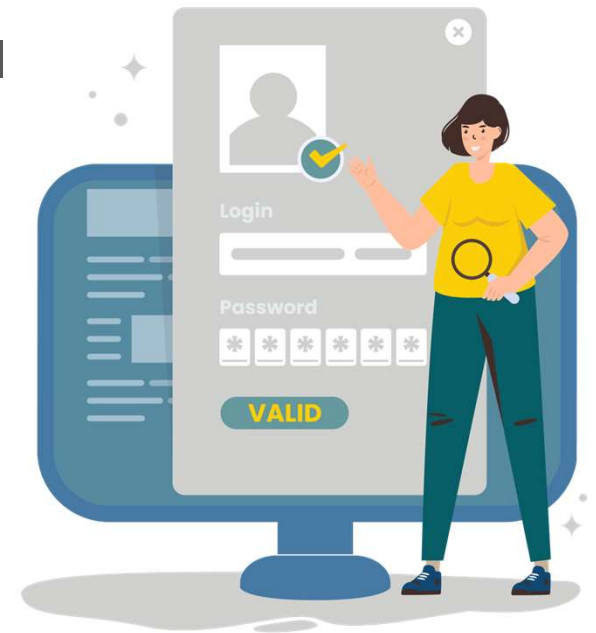
The image shows a digital form titled "REQUEST FOR DECISION ON UNPAID MEDICAL BILL(S): Arbitration" from the New York State Workers' Compensation Board. The form includes a header with the board's logo and name. Below the header is a section for "CI AIM INFORMATION" which contains a table with three columns: "WCB Case #", "Date of injury", and "Claim Action Claim #". Underneath the table are fields for "Patient Name", "Address", "SSN", "DOB", and "Gender". At the bottom, there are fields for "Employer Name" and "Address". A small box at the top left of the form says "For Office Use Only".

DESK REVIEW INITIATIVE FOR SECTION 32 APPROVALS – 7/1/24, 1/6/25



ANNOUNCEMENT OF ELECTRONIC SUBMISSION MANDATE FOR CMS-1500 – 8/1/24

- Electronic submission of the *CMS-1500* universal medical billing form required for providers by **August 1, 2025**
- Electronic submission significantly enhances medical bill review and payment
 - Providers receive payments more quickly
 - Electronic receipt eliminates disputes as to if/when bill was received
 - Providers are notified of billing errors more quickly allowing for prompt resubmission
 - No or low cost to providers (e.g., \$1 billing code)
 - Reduced paper for everyone



NEW CASE INDEXING STANDARD BRINGS CLARITY TO STATUS OF CLAIMS – 9/26/24

Claims with an *Employee Claim Notice (Form C-3)* or First Report of Injury (FROI) and a medical report are now indexed by the Board

Exceptions:

- Claims already controverted or accepted without liability under WCL §21-a
- “Medical-only” claims, where the Agreement to Compensate Code (ATC) has been left blank

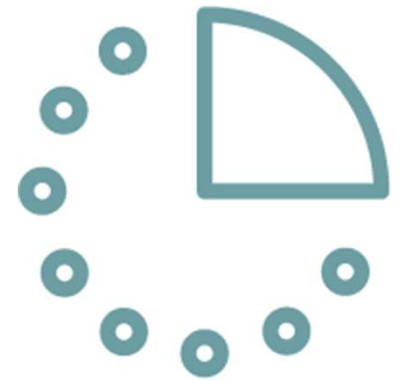
Note: A medical-only claim that becomes a lost time claim will be indexed.

Benefits:

- First time Board is indexing all lost time claims that are not controverted or accepted under WCL §21-a
- Indexing requires carrier to contest claim within 25 days or risk waiving legal defenses

NEW CONCILIATION PROCEDURE FOR CONSEQUENTIAL INJURY AND ADDITIONAL SITE OF INJURY CLAIMS – 11/21/24

- Expedited determination process for *RFA-1LC* requests with PFME for additional sites of injury or consequential injury
- Within 30 days of the Proposed Decision:
 - If insurer accepts the new body part or condition, it should notify the Board by filing a FROI-02
 - If insurer does not accept the new body part or condition, it should proceed with development of the record by:
 - Obtaining an independent medical examination (IME) within 60 days; or
 - Waiving the IME and cross-examining the claimant's health care provider within 60 days
- See: content.govdelivery.com/accounts/NYWCB/bulletins/3c0913f



NEW PROCEDURE TO EXPEDITE CLAIMS WHEN EMPLOYER AND PAYER ARE IN DISPUTE – 11/25/24

Where employer and payer are not known, filing of a complete *Form C-3* is required for subsequent hearing

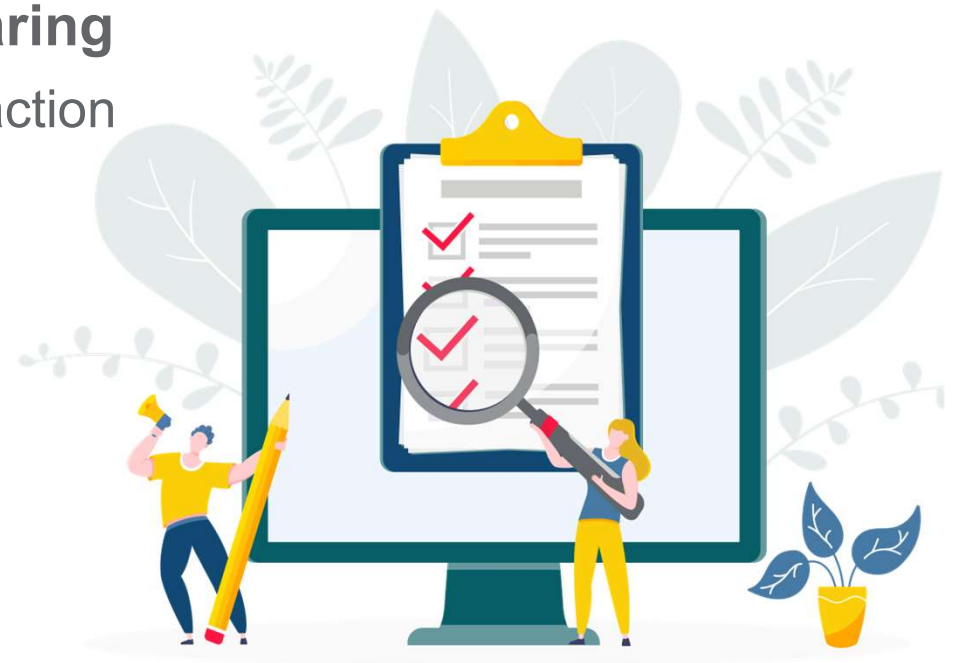
- **Key info needed on *Form C-3*:** Employer name, person who hired the claimant, address where accident occurred, description of claimant's work at time of injury
- **Additional filings:** *Pre-hearing Conference Statement (Form PH-16.2)*
 - *NYS DMV Report of Motor Vehicle Accident (Form MV-104)*, if applicable
- **Where controversy is solely as to which carrier is liable for payment:** Board may direct any carrier to pay compensation pending further development of the record on the issue of proper carrier



MANDATORY ELECTRONIC SUBMISSION OF RFA-1LC – IMPLEMENTED 12/13/24

Electronic submissions significantly expedite WCB response, resolution, and hearing

- First eForm for attorney requests for action
- Real-time (24/7) access to data
- Enhanced data availability, quality, and accuracy
- Automated workflows, eliminating manual processes
- *RFA-2* eForm scheduled for 2025; stay tuned for Board announcements



EDI REQUIREMENTS FOR CLAIMANT INFORMATION UPDATES – 12/13/24

New WCB form *OC-996 (Claimant Name and Address Form)* to update claimant's information in claim system

- Attorneys to submit *Form OC-966* directly to the insurance carrier, TPA, or self-insured employer.
- Upon receipt of *Form OC-966*, the payer makes the appropriate eClaims filing with the Board to update the claimant's information in the case file.
- Payer update of claimant's address on EDI form is critical as all EDI filings automatically update claimant's address

NEW YORK STATE | **Workers' Compensation Board** | **Claimant Name and Address Form**

DO NOT SEND A COPY OF THIS FORM TO THE BOARD

WCB Case #: _____ Date of Injury/Illness: _____

Claimant Information New

New Last Name: _____ New First Name: _____ MI: _____

New Mailing Address: _____

City: _____ State: _____ Zip Code: _____ Country: _____

New Phone Number: _____ New Email Address: _____

Claimant Information Previous

Previous Last Name: _____ Previous First Name: _____ MI: _____
(if applicable) (if applicable)

Previous Mailing Address: _____

City: _____ State: _____ Zip Code: _____ Country: _____

Previous Phone Number: _____ Previous Email Address: _____

Insurer Information

Claim Administrator Claims (Carrier Case) #: _____

Insurer Name: _____

Mailing Address: _____

City: _____ State: _____ Zip Code: _____ Country: _____

PROPOSED PHARMACY REGULATION IN STATE REGISTER – 12/31/24

Subject Number 046-1731: Proposed Amendments to Sections 440.3, 440.4, and 441.3 of Title 12 of the NYCRR (Network Pharmacies)

- Proposed amendments provide that a payer must notify the claimant that they may use a non-network pharmacy when the payer maintains (or will maintain) a legal objection that the medication is for treatment of an injury or condition that has not yet been accepted or established by the Board.
- Comments on the proposal will be accepted for 60 days after publication in the State Register. Please submit comments by emailing regulations@wcb.ny.gov.




IMPROPER *C-8.1B* FILINGS – 1/6/25 GOVDELIVERY GUIDANCE

New Guidance to prevent improper filings of *Notice of Objection to a Payment of a Bill for Treatment Provided (Form C-8.1B)*

- **When not to file *Form C-8.1B*:** A list of reasons that cannot be used to file form:
 - Includes duplicate bill and bill paid in accordance with fee schedule (EOB is sufficient).
- **When *Form C-8.1B* is needed:** A list of requirements for proper submission of form:
 - Object on grounds the claim is controverted only if it's both not established, and the payer has filed either a FROI or SROI-04.
 - Do not object that the bill was submitted untimely if bill is less than 120 days from service date
 - Include provider's WCB Authorization # and NPI number in appropriate fields.
- **See:** content.govdelivery.com/accounts/NYWCB/bulletins/3c9e677



A sunset over the ocean with a sun partially obscured by clouds. The sky is a mix of orange, yellow, and light blue. The water is a calm, light blue-grey. The text is centered and reads:

**TODAY IS BETTER
THAN YESTERDAY
&
TOMORROW WILL BE
BETTER THAN TODAY.**