

# RULE REVIEW

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## Workers' Compensation Board

Pursuant to section 202-d of the State Administrative Procedures Act, notice is hereby provided of the following rules which the Workers' Compensation Board is considering proposing but for which a rule making proceeding has not been commenced. All references are to Title 12 of the New York Code of Rules and Regulations unless otherwise noted. The Workers' Compensation Board's regulatory plans are subject to change and the Board reserves the right to add, delete or modify any item herein. The Board is not required to propose for adoption any rule summarized in this regulatory agenda. In addition, the Board may propose a rule for adoption which was not under consideration at the time that this regulatory agenda was submitted for publication.

This notice is also intended to provide small businesses, local governments, and public and private interests in rural areas with the opportunity to participate in the rule making process, as provided for in State Administrative Procedures Act sections 202-b and 202-bb. All of the rules described below may require a Regulatory Flexibility Analysis for Small Businesses and Local Governments and a Rural Area Flexibility Analysis pursuant to State Administrative Procedures Act sections 202-b and 202-bb, respectively.

The public is welcome to send written comments on the Workers' Compensation Board's Regulatory Agenda to the contact person at the end of this list.

The Chair and/or the Workers' Compensation Board are considering proposing the following rules:

1. Add a new Part 325-9, pursuant to Workers' Compensation Law sections 13 (e) and 20, to establish guidelines and parameters for the use of impartial medical specialists when an established claim requires an expert opinion or examination.
2. Add Part 318 to establish rules for group self-insured trusts pursuant to Workers' Compensation Law § 50(3-a).
3. Repeal and readopt Subparts 325-5 and 325-6 regarding the Health Insurer Matching Program to clarify the statute of limitations, set forth the timely filing of a reimbursement request, and amend the defenses a workers' compensation insurer may raise in response to a claim.
4. Add a new part 300.39 to establish rules for the cross-examination of medical witnesses and to repeal section 300.10 (c).
5. Amendment to multiple sections of Parts 327, 328, 329, 330, 332, 342, 345, 347, and 349 to implement the provision for a single arbitrator process as set forth in recently amended Workers' Compensation Law § 13-g, 13-k, 13-l and 13-m.
6. Amendment of sections 329.3, 333.2, 343.2, 348.2 and 442.2 to update the medical fee schedules of the Board.
7. Amendment of section 324.2 to add a medical treatment guideline for non-acute pain and update the existing medical treatment guidelines to incorporate the non-acute pain treatment guidelines.
8. The Board will continue to review its rules in an effort to provide for clearer and more accurate references to Board policies and

procedures, while also eliminating typographical errors and obsolete forms/practices, etc.

To obtain information about or submit written comments concerning any item in this Regulatory Agenda, contact Heather M. MacMaster, Associate Attorney, Workers' Compensation Board, 328 State St., Schenectady, NY 12305-2318, (518) 486-9564, e-mail: [regulations@wcb.ny.gov](mailto:regulations@wcb.ny.gov).

