

REGULATORY AGENDA

Workers' Compensation Board

Pursuant to section 202-d of the State Administrative Procedure 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 Procedure 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 Procedure 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 Board is considering proposing rules described in items numbered one through five. These items are regulatory suggestions that came out of the Business Process Reengineering that took place at the Board in 2014 among the Board and its stakeholders:

1. Amend 300.5 to permit different options for parties to a workers' compensation claims to enter into stipulations resolving issues in a claim.

2. Amend 313 to clarify that a Board decision is not a prerequisite to the parties' compliance with statutory and regulatory obligations, and to set forth the criteria when a Board decision will be issued.

3. Amend 300.13 to specify the requirements for filing a request for administrative review and to clarify that deficient request will be rejected without decision by the Board.

4. Amend 300.36 to permit a mediated resolution of issues in a claim using a Section 32 agreement.

5. Amend 300.17 to identify the process an attorney or licensed hearing representative must follow when requesting a fee and seeking to withdraw from representation of a client.

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

6. Add a new part 300.39 to establish rules for the cross-examination of medical witnesses and to repeal section 300.10(c).

7. 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.

8. Amendment of sections 329.3, 333.2, 343.2, 348.2 and 442.2 to update the medical fee schedules of the Board.

9. Amend 311.1 to increase the fees for funeral expenses to reflect the increase in those costs since the adoption of this regulation in 1991.

10. 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

