

REGULATORY AGENDA

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 (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 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 sections 202-b and 202-bb of the State Administrative Procedures Act. 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 sections 202-b and 202-bb of the State Administrative Procedures Act, respectively.

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

The Chair and/or the Board is considering proposing the rules described below:

1. Amend section 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.

2. Amend section 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.

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

4. Amend 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.

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

6. Add a new Part 380 setting forth the process and procedures related to Paid Family Leave benefits. This Part will include provisions related to claim filing, employee contributions, eligibility, dispute resolution, reinstatement and discrimination claims.

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 Street, Schenectady, New York 12305-2318, telephone: (518) 486-9564, e-mail: regulations@wcb.ny.gov.

