

INJURED WORKERS LEGAL ASSISTANCE PROJECT

A partnership to assist injured workers with medical care

The New York State Workers' Compensation Board (Board) is partnering with non-profit legal organizations to assist injured workers in obtaining free legal representation when these workers are seeking medical treatment exclusively (known as "medical-only" claims). Medical-only claims are



those where the legal issue before the Board relates only to a medical dispute, such as the denial of a request for authorization for a medical procedure or test. These disputes do not involve matters where the injured worker is losing time from work and seeking benefits for periods of lost time.

Rather, they involve a medical issue that will not result in monetary award to the injured worker. Injured workers whose claims have been accepted by their employer's insurer may still need legal assistance related to their medical care, even after they have returned to work and are not collecting

lost wage benefits. It may be difficult for injured workers with these claims to find

representation, as attorney fees are not awarded when there are no lost wages. This new partnership between the Board and legal organizations will help injured workers with medical-only issues get better access to justice and the medical care that they need. To participate, please contact IWLAP@wcb.ny.gov.

How does the partnership work?

1. The Board will provide volunteer attorneys with training and information about medical-only claims before they take their first case.
2. The Board will provide cases to the legal organizations to distribute to the volunteer attorneys.
3. The legal organizations will match the injured workers to the volunteer attorneys and will serve as a resource for the attorneys.
4. Attorneys will meet virtually with injured workers. They can also attend hearings remotely using the Board's virtual hearings system. The retainer agreement signed by the injured worker and attorney is a limited retainer that will be used only for the issues relating to a specific medical dispute, at no cost to the injured worker. Once the medical dispute is resolved, the attorney-client relationship ends and the volunteer attorney is removed as a party of interest.
5. Volunteer attorneys can decide how many cases they want to take and will work with the partner legal organizations for assignments.
6. The Board's Office of the Advocate for Injured Workers will partner with legal organizations to raise awareness of this service among injured workers with medical-only cases.

What qualifies as a medical-only claims issue?

1. The insurer denied a request for authorization for medical services costing more than \$1,000.
2. The insurer denied a request for treatment that is not recommended in the *New York Workers' Compensation Medical Treatment Guidelines*.
3. The insurer denied future medical treatment.

How can you help?

1. If you are an attorney interested in volunteering, please contact one of the non-profit legal organizations partnering with the Injured Workers Legal Assistance Project. A list of current partner legal organizations is on the Board's website at wcb.ny.gov/IWLAP.
2. If you are an attorney who qualifies for the Attorney Emeritus Program, simply sign up on the Attorney Emeritus and Host Applications page.
3. If your legal organization wants to become a partner, send an email to IWLAP@wcb.ny.gov and someone will contact you.