AGENDA

1. The New NYS Workers’ Compensation Board
2. Key Accomplishments
3. Continuing Our Progress in 2019
The New NYS Workers’ Compensation Board

After a historically productive 2017 and 2018, the New York State Workers’ Compensation Board is performing better than it has in decades

- Delivered on key legislative reforms
- Implemented nation-leading initiatives
- Instituted processes that speed payment of benefits and reduce costs

The Results are Striking!

Injured worker benefits increase while employer costs decrease
Vastly Improving The Injured Workers’ Experience

Injured Workers Now Promptly Paid

9 in 10
Injured Workers in New York Get Their 1st Workers’ Compensation Benefit Paid Timely
Lowest Dispute Rate in Decades

The Board improved the controversy rules during a systematic, concerted effort to stop unnecessary disputes, leading to the lowest controverted claims rate in decades.

Controverted Claims 2018 Rate

5.9%

Better Worker Protections

New procedures to ensure workers get a hearing within 45 days when they are not receiving benefits and their claim is undisputed.
Expanding Access to Legal Services

Board amended existing legal clinic regulation to create ongoing clinics

- Recent graduates and third-year students can provide legal services
- Especially helpful to injured workers who face difficulty finding representation in medical-only cases

Expanded Provider – Law Passed!

Allows Acupuncturists, Nurse Practitioners, and Licensed Clinical Social Workers to treat

- Eligible to provide services on or after 1/1/20
- Physicians Assistants can be authorized and can treat injured workers under physician supervision
- Occupational Therapists and Physical Therapists can be authorized and can treat injured workers with a referral
- New provider application process will be launched
- Training will be provided summer/fall 2019
Slashing System Costs

Employer Assessments Cut by 33%

The assessment rate has greatly reduced since the Business Relief Act of 2013, declining 33 percent.
Insurance Rates Declining
2018 had the largest rate cut in more than a decade

2017 Rate Cut
-4.5%

2018 Rate Cut
-11.7%

2019 Rate Cut
-10%

Outdated, Expensive Special Fund Closed
Board successfully defended a lawsuit to close the Reopened Case Fund to new cases
Making A Difference With New Technology

Innovating with Virtual Hearings

- First in-the-nation initiative
- Now available at all Board locations
- App available on iOS now; Android slated for September

MAY 2019

22,500+ Virtual hearings held in May 2019

52% (11,905) Had at least 1 participant attend remotely
Virtual Hearings – What We’re Hearing

“It was amazing to not have to suffer the long ride to the actual building.”

“Totally awesome! This should have been invented years ago. Makes attending a meeting pleasurable and does not pose scheduling conflicts.”

“I live in Florida. It was such a good experience to be at the hearing through virtual hearing. It saves me money and stress. Thank you.”

“It was incredibly simple and very convenient! I really appreciate this option!”

Accepting Online Payments

Stakeholders can now review bills and pay

- Assessments
- Penalties
- Other Costs

Online!
eCase Document Upload

- Makes managing case files simpler and more convenient
- Uploads directly to case folder and is viewable within minutes by all parties
- Available for use up until and including the day of the hearing
- Intended use for attorneys (both claimant and insurance carriers), insurers, TPAs, self-insured employers, and claimants

Business Information System

New and improved claims system

- Replaces legacy systems
- Better access to real-time claim data
- New self-service features
- Reduce reliance on forms
- Expansive communication effort
- Partner with external stakeholders

Vendor selected - work to begin this Summer!
Improving Care for Injured Workers

Medical Fee Schedule
- Fee increases went into effect on April 1
- Additional 20% for certain specialty providers
- Emergency room and rural clinics will also get a small increase

Adopting the CMS-1500
- Simplify medical reporting
- Transition to the universal billing form
- Expecting to go live with CMS-1500 transactions shortly
Establishing a Drug Formulary

- **Drug formulary** includes high-quality and cost-effective preauthorized medication
- Formulary regulations finalized in May and went into effect June 5
- New Formulary **Fee Schedule** was adopted as final

Medical Portal

Electronic System to provide ready access to medical information such as pharmacy prior authorization and treatment guidelines.

Phase I – Fall 2019
New Medical Treatment Guidelines

- Board has been working with the Medical Advisory Committee
- Several Treatment Guidelines are in progress
- Expect to release some for public comment this summer
- Upon adoption, new Treatment Guidelines will be available through the Medical Authorization System

Revising Impairment Guidelines

- New guidelines took effect January 1, 2018, for Schedule Loss of Use Awards
- Training developed/provided
Launching The Nation’s Best Paid Family Leave

Paid Family Leave

2019 Enhancements:

- More time with loved ones
- Greater financial security
- New support for donors
- Same strong protections
- Fully-funded by employees

For complete details, visit our refreshed website: PaidFamilyLeave.ny.gov

Questions? Call the PFL helpline: (844) 337-6303
What’s Next

Medical Treatment Guidelines
SUMMER 2019

New Provider Authorization
SEPTEMBER 2019

Formulary Prior Authorization
NOVEMBER 2019

MG-2/ C-4 AUTH
JANUARY 2020
Farm Laborers Fair Labor Practices Act

- Effective 1/1/2020
- Changes the labor law and public health law, touching on workers’ compensation
- Disability and Paid Family Leave exclusion has been removed

Stay-at-Work / Return-to-Work

- The longer an injured worker is out of work, the more protracted the period of disability
- WCB is exploring ways to assist injured workers & employers with early intervention efforts around SAW/RTW initiatives
- Example:
  - Strengthening our partnerships with existing workforce development resources
  - Exploring ways to facilitate SAW/RTW resources to employers
- Do you run a RTW program?
Thank you
Stay tuned for updates…

Learning More about the Board

@NYSWCB

@NYSWorkersComp

#NYSWorkersCompBoard

Board Announcements
wcb.ny.gov/notify

youtube.com/NewYorkStateWorkersCompensationBoard