

**Medical Treatment Guidelines  
2013 Regulatory Changes  
(12 NYCRR Part 324)**

Section	Before	Now	Documentation
324.1(c)	No definition of denial	Defines denial to permit a partial denial or partial grant of a variance request	MG-2; check box to indicate "Granted in part"
324.1(e)	Definition of MMI	New definition of MMI: <ul style="list-style-type: none"> <li>• Report of MMI</li> <li>• need for palliative treatment does not preclude finding of MMI</li> <li>• non-surgery MMI cannot be determined prior to 6 months</li> </ul>	C-4.3 : MMI  MG-2: need for ongoing maintenance
324.2(a)	Guidelines apply only to neck, back, shoulder & knee	Adds treatment of carpal tunnel syndrome	New York Carpal Tunnel Syndrome Medical Treatment Guidelines, First Edition
324.2(d)(2)	Prior authorization is required for anterior acromioplasty and chondroplasty	Prior authorization no longer required for these two procedures	N/A
324.3(a)(1)	A variance must be requested before medical care that varies from MTG is provided to claimant	A variance must be requested <b>and granted by carrier, Special Funds, or the Board</b> , before medical care that varies from MTG is provided to claimant	MG-2
324.3(a)(3)	Variance request is sent to all parties on the same day	Adds that the variance request is timely if it is submitted <ul style="list-style-type: none"> <li>• <b>within two business days of the date it is prepared and signed;</b> and</li> <li>• is submitted to all parties on the same day</li> </ul>	MG-2: Provider check box at bottom of first page
324.3(a)(5)	Maximum frequency and duration maintenance care is not in the regulations. No treatment following MMI without a variance.	Ongoing maintenance care is permissible up to 10 visits for back, neck, shoulder and knee and CTS per calendar year. No variance is permitted from the maximum frequency and duration of ongoing maintenance care (10 visits) for back, neck, shoulder, knee and CTS.	Back Guidelines §§ D.10(a)(ii) and D.11; Neck §§ D.10(a)(ii) and D.11; Shoulder § E.13; Knee §E.9; CTS Guidelines § E.4.g.
324.3(a)(7)	No limit on the number of variance requests	Carrier may deny "substantially similar" variance requests from the same provider  No medical opinion is required to deny a substantially similar variance request	MG-2 (E): Carrier must state the basis for the denial: 1) Identical request; or 2) substantially similar request submitted without additional documentation or justification  MG-2 (C): Provider is required to supply the dates of previously denied variances

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324.3(b)(2)(ii)(a)	If IME requested, Chair shall be notified	If IME requested, Chair <b><u>and the Treating Medical Provider</u></b> must be notified	MG-2 (D)
324.3(b)(2)(ii)(b)	No rules when the claimant failed to appear for an IME	When a variance is denied due to claimant's failure to appear for an IME, the request for review of the denial will be reviewed by the Board "in the manner prescribed by the Board," <b>but not at an expedited hearing</b>	N/A
324.3(b)(3)	Variance response shall clearly state whether the variance has been granted or denied	Variance response shall clearly state whether the variance has been granted, denied <b><u>or partially granted. If partially granted it shall specify the treatment that has been granted</u></b>	MG-2: <ul style="list-style-type: none"> <li>• A check box has been added to indicate "Granted in part"</li> <li>• What has been partially granted should be stated at Section E. on the MG-2</li> </ul>
324.3(c)	Requests for review of variance denials are scheduled for an expedited hearing unless claimant and carrier request medical arbitration	Requests for review of variance denials are referred for medical arbitration unless claimant or carrier request expedited hearing <ul style="list-style-type: none"> <li>• Denials for failure to appear at IME are reviewed in a manner prescribed by the Chair [see § 324.3(b)(2)(ii)(b)]</li> </ul>	MG-2
324.3(c)(1)	Mandatory 8 day informal resolution period following denial of a variance request	While informal resolution is still required, there is no mandatory 8 day waiting period	N/A