Reasons for Finding of Necessity for Emergency Adoption

The amendment of 12 NYCRR 324.3 is adopted as an emergency measure because the Board wants to ensure that sacroiliac joint (SIJ) fusion and peripheral nerve stimulation are not performed unnecessarily, and that if and when it is medically necessary, then prior authorization has been obtained. This is necessary for the public health and safety in order to protect injured workers from having SIJ fusion surgery or peripheral nerve stimulation performed when they are not medically necessary, as these are procedures that carry with them multiple inherent risks, and that are therefore only clinically indicated in highly select patients. The Medical Treatment Guidelines also reflect this.