

Regulatory Impact Statement

1. Statutory Authority:

Workers' Compensation Law (WCL) §117 and §141 authorizes the Chair of the Workers' Compensation Board (Board) to adopt reasonable rules consistent with the provisions of the WCL.

2. Legislative Objectives:

The authority to adopt reasonable rules consistent with the provisions of the WCL ensures that the Board can consistently work to create more efficiency within the Workers' Compensation system. This proposal aims to implement the newest version of the eClaims system, consistent with the WCL.

3. Needs and Benefits:

The proposed amendments update the reporting requirements for carriers, self-insured employers and third-party administrators to reflect the new national standard adopted by the International Association of Industrial Accident Boards and Commissions (IAIABC). New York has been involved in the creation of the national standard for several years, and a uniform standard increases efficiency and data capturing for all participating states.

The new eClaims program update will provide greater efficiency and data capturing, allowing for a smoother process for claims payment. The regulations seek to help implement this update to avoid confusion, including requiring carriers to report certain credits taken for payments to claimants, and guidance about when biannual reports are due.

4. Costs:

There are no additional costs expected as a result of this proposal, aside from possible minimal costs associated with reporting these credits.

5. Local Government Mandates:

Municipalities or governmental agencies that are self-insured are required to comply with these regulations, but there are no specific local government mandates associated with this proposal.

6. Paperwork:

There are several reporting requirements, including initial and subsequent summary reports, which the proposal updates and provides more guidance on.

7. Duplication:

There is no duplication of state or federal regulations or standards.

8. Alternatives:

An alternative would be to not adopt these standards. But as the new version of eClaims provides for better data and is expected to improve efficiency in the workers' compensation system, this alternative was not considered.

9. Federal standards:

There are no applicable federal standards.

10. Compliance schedule:

The proposed regulation is mandatory and requires carriers to report certain credits taken for payments made to claimants as well as guidelines about when biannual reports are due. All entities will have plenty of time to get used to the rules and learn the updated procedures, as the regulations will have an effective date of March 15, 2021.