

Regulatory Impact Statement for the amendment of Subpart 441 of Title 12 NYCRR

1. Statutory Authority: Workers' Compensation Law (WCL) §117(1) authorizes the Chair of the Workers' Compensation Board (Board) to adopt reasonable rules consistent with, and supplemental to, the provisions of the WCL.

2. Legislative Objectives: The emergency adoption allows reimbursement for COVID-19 testing when there is a claim for workers' compensation benefits due to work-place exposure to COVID-19.

3. Needs and benefits: To provide reimbursement for COVID-19 testing when it is necessary because workers' compensation benefits are being sought due to work-place exposure to COVID-19, in order to confirm current presence of the COVID-19 virus.

4. Costs: The emergency adoption is not expected to have a significant impact on costs, as reimbursement is limited to situations where the employee has had a work-place exposure to the virus.

5. Local government mandates: The proposed amendments do not impose any program, service, duty, or responsibility upon any county, city, town, village, school district, fire district, or other special district.

6. Paperwork: The emergency adoption requires authorized providers to use a CPT code to bill for COVID-19 testing as described above.

7. Duplication: The emergency adoption does not duplicate other regulatory initiatives.

8. Alternatives: An alternative would be to not file an emergency adoption addressing the reimbursement of COVID-19 testing, but without a confirmatory test, there would be no way of showing a workers' compensation claimant is currently infected with COVID-19 when benefits are sought due to workplace exposure.

9. Federal standards. There are no applicable Federal Standards.

10. Compliance schedule: The emergency adoption takes effect immediately upon filing but simply provides guidelines for use of a CPT code that may be used in limited circumstances to confirm COVID-19 infection when workers' compensation benefits are sought due to work-place exposure to COVID-19.