

## Regulatory Flexibility Analysis for Small Businesses and Local Governments.

### 1. Effect of rule:

Small businesses and local governments whose only involvement with the workers' compensation system is that they are employers and are required to have coverage will not be affected by this rule. Most small businesses cannot be individually self-insured but must purchase workers' compensation coverage from the State Insurance Fund or a private insurance carrier authorized to write workers' compensation insurance in New York or join a group self-insured trust. It is the entity providing coverage for the small employer that must comply with all of the provisions of this rulemaking, not the covered employer. The impact on the State Insurance Fund and all private insurance carriers is not covered in this document as they are not small businesses. Group self-insured trusts and third party administrators hired by private insurance carriers may be small businesses, and these businesses may be slightly impacted by this regulation. All parties making applications for administrative appeal and/or to reopen closed cases will have to comply with these clarified procedures.

The political subdivisions that are self-insured for workers' compensation coverage in New York State will have to comply with the provisions of this proposal. Those local governments who are not self-insured and do not own and/or operate a business will not be affected by this rule.

### 2. Compliance requirements:

The proposed rule does not impose new compliance requirements on the small businesses and local governments described above, but merely clarifies existing procedures.

3. Professional services: Small businesses and local governments affected by the rule will not need any new professional services to comply with this rule.

4. Compliance costs:

The proposed amendments are intended to reduce administrative costs to all parties by adding clarity and guidance in the making of applications for administrative appeal and/or to reopen closed cases.

5. Economic and technological feasibility: It is economically and technologically feasible for small businesses and local governments to comply with the proposed amendments. The proposed amendments do not add any technological requirements or economic challenges from the current procedures.

6. Minimizing adverse impact: As stated above, the implementation of the proposed amendments is expected to save money for all participants in the workers' compensation system by clarifying the procedures for making applications for administrative appeal and/or to reopen closed cases.

7. Small business and local government participation: The Board will duly consider all public comments received from small businesses and local governments during the public comment period.