

Section 300.5 of Title 12 of the New York Codes Rules and Regulations is amended as follows:

(a) In controverted claims the Workers' Compensation Law Judge shall make a reasoned decision upon the contested points. This decision, outlining the evidence supporting said determination, may be made by an oral statement which shall be entered upon the minutes of the hearings, or may be in a written and signed statement which shall be filed with the papers in the record.

(b)(1) Parties to any claim before the board may stipulate to uncontested facts or proposed findings. [Such stipulation shall be in writing and shall be signed by all parties so stipulating] A stipulation may be made either as an oral statement on the record at a hearing or, in writing outside of a hearing, when a claimant is represented. A written stipulation must be submitted using the form or format prescribed by the Chair. The stipulation must indicate that each party to the stipulation:

(i) [have] has been advised of the legal effect of stipulating to the facts or proposed findings contained in said stipulation; and

(ii) [have] has affixed their signatures to said stipulation of their own free will. If the stipulation is presented at a hearing, a [A] Workers' Compensation Law Judge shall verify the foregoing through questioning. [that all parties:]

[If the claimant is not represented, the stipulation shall be signed in the presence of a Workers' Compensation Law Judge.]

(2) A stipulation [pursuant to this section shall be subject to the approval of] made at a hearing and approved by a Workers' Compensation Law Judge [and, if approved,] shall be incorporated into the decision of the Workers' Compensation Law Judge and shall be binding upon the parties. A written stipulation entered into by a represented claimant and the employer or carrier shall be reviewed and approved by a Workers' Compensation Law Judge or conciliator and if approved shall be incorporated into a decision of the Board. Such stipulation, as incorporated into [the] a [decision of the Workers' Compensation Law Judge], shall be subject to the provisions of section 23 of the Workers' Compensation Law and section 300.13 of this Part, and to sections 22 and 123 of the Workers' Compensation Law. The Chair may direct that stipulations properly submitted in the prescribed format and approved by a Workers' Compensation Law Judge or conciliator constitute the decision of the Workers' Compensation Law Judge.

(3) When a claimant is not represented, he or she shall give a sworn statement on the record at a hearing indicating an understanding of the facts agreed to and the legal effect of the stipulation.

([3]4) The provisions of this subdivision shall not be applicable to agreements settling upon and determining claims for compensation pursuant to section 32 of the Workers' Compensation Law and section 300.36 of this Part.

(c) In every claim where the disability exceeds seven days, the Workers' Compensation Law Judge shall make a finding as to whether or not an accident arising out of and in the course of employment or an occupational disease has been established [; and in every claim involving disability less than seven days, the Workers' Compensation Law Judge shall make such a finding where possible to do so on evidence before him or her. The finding of the Workers' Compensation Law Judge in such cases shall be incorporated in the notice of decision].

(d) The Workers' Compensation Law Judge may excuse the failure of a physician or other health providers to file reports in accordance with the requirements of subdivision (4) of section 13-a, subdivision (3) of section 13-k, subdivision (3) of section 13-l and subdivision (4) of section 13-m of the Workers' Compensation Law whenever after taking testimony the Workers' Compensation Law Judge finds it to be in the interest of justice to excuse such failure, and the decision of the Workers' Compensation Law Judge shall state the reasons therefor.

(e) A claim for reimbursement pursuant to section 15, subdivision 8 of the Workers' Compensation Law shall be filed on a form prescribed by the chair.