

Summary of Text for amendments to Subchapters C, D and E of Title 12 of NYCRR

The proposed changes modify Parts 325, 326 and 329 of Subchapter C (Medical Treatment and Care), Parts 330, 331 and 333 of Subchapter D (Psychology Treatment and Care), and Parts 340, 341 and 343 of Subchapter E (Podiatry Practice) of Title 12 NYCRR as follows:

Section 325-1.1 modifies “he” to “he or she.” This, and the similar “him or her” and “his or hers,” continues throughout Subchapter C.

Section 325-1.2 changes “chairman” to “Chair”. This continues throughout Subchapters C, D and E.

Section 325-1.3 adds the word “the” before “appearance” in the first sentence. Paragraph (a) removes “Workers’ Compensation Board” after “Chair” and adds “provider’s” before “authorization certificate number.” Paragraph (b) adds “and also with” after “Chair”. In Paragraph (d), (1), (3), and (4) are deleted, (2) is renamed (1), (5) is renamed (2), and (6) is renamed (3).

Section 325-1.4 corrects “texts” to “tests” in paragraph (a)(1), removes “Workers’ Compensation” before Board and changes “authorizations” to “requests” in paragraph (a)(4), and makes a few grammatical corrections. Substantively, it amends the costs of medical services requiring authorization from \$500 to \$1,000.

Section 325-1.5 adds “or carrier to authorize” after “employer” for the services of a medical specialist, and changes the wording from “within the jurisdiction of the injured worker” to “the choice of the injured worker”, except to the extent an injured worker is required by Workers’ Compensation Law Section 13-a (7) to obtain diagnostic tests or examinations from a provider network or networks with which the employer or carrier contracts.

Section 325-1.7 changes “second physician” and “said physician” to “superseding physician”, and “doctor” to “physician,” and makes gender-neutral changes.

Section 325-1.10 is amended to change “chairman” to “Chair.”

Subdivisions of (b),(c),(e) and (f) of Section 325-1.11 are amended to make capitalization and gender-neutral changes as above, which continued throughout Subchapters C, D and E.

Section 325-1.17 changes “act” to “Workers’ Compensation Law.”

Section 325-1.19 is amended to delete “Workers’ Compensation” before Board and change “chairman” to “Chair.”

Section 325-1.21 is amended to make capitalization and gender-neutral changes.

Subdivisions (a) and (b), paragraph (2) of subdivision (c), and subdivisions (d), (e) and (f) of section 325-1.24 are amended to make capitalization and gender-neutral changes. In addition (c)(2)(i) capitalizes Panel, (c)(2)(ii) adds “subparagraph” before “(i) above”, (c)(2)(iii) capitalizes “Law” in “Workers’ Compensation law Judge.” Subdivision (e) modifies “have finally determined” to “have been finally determined”, and (e)(3)(ii) adds “or carrier” to “self-insured employer.”

Section 325-2.1 is amended to clarify that this subpart does not apply when carriers contract with a network to perform diagnostic tests, x-ray examinations, magnetic resonance imaging pursuant to Workers’ Compensation Law §13-a(7).

Section 235-2.1, Subdivision (b) of section 325-2.2, and Subdivision (a) of section 325-2.3 are amended to capitalize “Article.”

Section 325-2.4 changes “form C-3.1” to “the required consent form.”

Section 325-2.5 adds “consent” before “form” and removes the form number “C-3.1.”

Section 325-2.6, Section 325-2.10, Section 325-3.8, Section 325-3.10, Section 325-4.1, Subdivisions (b) and (e) of section 325-4.2, the opening paragraph of Section 325-4.3, the opening paragraph of Section 325-4.5, and subdivisions (f) and (g) of section 325-4.6 continue capitalizations and gender neutral changes. Section 325-2.10 is also amended to remove the reference to the managed care pilot program.

Section 325-5.3 removes “a magnetic computer tape” and replaces it with “the required information...in a technological format acceptable to the Board,” and changes “tape” to “information.”

Subdivision (b) of Section 325-5.5 is amended to change “magnetic tape to be submitted,” “tape” and “tape submissions” to “requests for computer searches,” and “a magnetic tape using the record format as defined by the workers’ compensation board” to “requests for computer searches in a technological format acceptable to the Board.”

Subdivision (a) of Section 325-5.6 is amended to change “magnetic tape to be submitted” and “tape” to “requests for computer searches,” and “a magnetic tape using the record format as defined by the workers’ compensation board” to “requests for computer searches in a technological format acceptable to the Board.” In the fourth sentence, “tape” is changed to “request made.”

Subdivision (c) of Section 325-5.6 changes “tape” to “request for computer searches” and “magnetic tape” to “requests for computer searches”, and “an updated file, on a separate magnetic tape” to “a separate file”.

Paragraph (1) of subdivision (d) of Section 325-5.6 changes “Assistant Director of Operations, Room 601, 180 Livingston Street, Brooklyn, NY 11248” to “HIMP Coordinator, State Office Building, 44 Hawley Street, Binghamton, NY 13901.”

Subdivision (a) of Section 325-5.7 is amended to change (a) changes “workers’ compensation board” to “Board”, remove “Workers’ Compensation” from before Board, change “tape” to “file”, remove “accompany the tape” to “immediately follow submission of the file” and change the address for checks to be made payable from “The New York State Office of General Services” to “The New York State Workers’ Compensation Board and sent to the Workers’ Compensation Board, Attention: Finance Office, 20 Park Street, Albany, NY 12207.”

Paragraph (1) of subdivision (b) of Section 325-6.2 and paragraph (a) of Section 325-6.3 are amended to change “magnetic tape” to “request for computer searches” and remove “for a computer search” from after Board.

Subdivision (a) of Section 325-6.10 changes “the submission of a magnetic tape” and “submission of the tape” to “request for computer matching” and removes “for computer matching purposes” from after Board.

Section 325-8.3, section 325-8.4, subdivision (c) of section 325-8.5, section 325-8.6, and section 326-1.2 make only capitalization and gender-neutral changes.

Section 326-1.1 amended to reference that an osteopath is a licensed physician with a degree of doctor of osteopathic medicine and to correctly refer to the New York State Osteopathic Medical Society, Inc., as well as capitalization and gender-neutral changes.

Subdivision (c) of section 326-1.5 makes only capitalization and gender-neutral changes.

Section 326-2.2 changes “180 Livingston Street, Brooklyn, NY 11248” to “100 Broadway – Menands, Albany, NY 12241.”

Section 326-2.6 changes “his” to “appellant’s.”

Section 326-2.10 makes capitalization and gender neutral changes.

Section 329.1 removes the first two sentences regarding the medical fee schedule, and deletes “rendered on a date prior to October 1, 1997” after “occupational therapy.”

Section 329.3 changes the reference to the April 1, 2006, update, changes “Medicode Publications” and “Medicode” to “Ingenix, Inc.” and deletes the Medicode address and phone number, adding “Ingenix, Inc., PO Box 27116, Salt Lake City, UT 84127-0116, or by telephone at 1-800-464-369.”

Section 329.4 changes “January 1, 1995” to “April 1, 2006.”

Subdivision (b) of section 329.5 changes “this Title” to “Title 10 NYCRR,” “five hundred” to “one thousand”, and “requirements for pre-authorization” to “prior authorization request requirements.”

Section 329.6 removes the first sentence and adds “including minor surgery or emergency treatment rendered in a room other than an operating room” after outpatient hospital services, and removes “rendered on a date prior to July 1, 1995.”

Section 330.1 changes the Board address from “180 Livingston Street, Brooklyn, NY 11248” to “Health Provider Administration, 100 Broadway-Menands, Albany, NY 12241.”

Subdivision (c) of section 330.4 and section 330.7 remove “of the Workers’ Compensation Board” after “Chair.”

Section 331.2 changes “get” to “obtain.”

Subdivision (b) and (c) of section 331.3 make only capitalization and gender-neutral changes.

Section 331.4 removes “as defined in Appendix C-7 of this Title” and “in accordance with the provision of Appendix C-7,” and changes “\$500” to “\$1000.”

Section 331.5 changes “succeed” to “supercede” and “succeeding” to “superceding.”

Section 331.6 and section 331.7 make only capitalization and gender-neutral changes.

Section 331.9 changes “but the succeeding psychologist” to “and the superceding psychologist” and removes “section 331.4 of” before “the Part.”

Section 333.1 deletes the first sentence and “rendered on a date prior to October 1, 1997” after “psychological services.”

Section 333.2 (a) replaces “First Edition, August 1996, amended September 1997” and with “updated April 1, 2006”, removes “Workers’ Compensation” before “Board”, changes “Medicode” to “Ingenix, Inc.” and “which is herein incorporated by reference” to “which is hereby incorporated herein by reference.”

Section 333.2 (b) changes “Workers' Compensation Board in Albany, Binghamton, Brooklyn, Buffalo, Hempstead, Rochester and Syracuse” to “Board”, “Medicode” to “Ingenix, Inc.” and the address from “Medicode, Inc., Dept. CH 10928, Palatine, IL 60055-0928, or by telephone at 1-800-765-6023” to “Ingenix, Inc., PO Box 27116, Salt Lake City, UT 84127-0116, or by telephone at 1-800-464-3649.”

Section 340.1 changes “180 Livingston Street, Brooklyn, NY 11248 to “Health Provider Administration, 100 Broadway - Menands, Albany, NY 12241.”

Section 340.7, section 341.1, and section 341.2 make only capitalizations and gender-neutral changes.

Section 341.3 changes form “C-48” to “C-4” for attending podiatrists’ 48-hour preliminary reports, and form “C-27P” to “C-27” for podiatry report for reopening of a closed case.

Section 341.4, section 341.6, section 341.7, and section 341.8 make only capitalization and gender-neutral changes.

Section 341.10 changes “succeeding podiatrist” to “superceding podiatrist.”

Section 341.11 makes only gender-neutral changes.

Section 341.12 corrects a spelling error and adds “of the patient’s care” after supervision.

Section 343.1 deletes the first sentence and removes “rendered on a date prior to October 1, 1997” after “podiatry services.”

Section 343.2 (a) replaces “First Edition, August 1996, amended September 1997” with “updated April 1, 2006”, removes “Workers’ Compensation”, and changes “Medicode Publications” to “Ingenix, Inc.” and “which is herein incorporated by reference” to “which is hereby incorporated herein by reference.”

Section 343.2 (b) changes “Workers' Compensation Board in Albany, Binghamton, Brooklyn, Buffalo, Hempstead, Rochester and Syracuse” to “Board”, “Medicode” to “Ingenix, Inc.” and its address from “Medicode, Inc., Dept. CH 10928, Palatine, IL 60055-0928, or by telephone at 1-800-765-6023” to “Ingenix, Inc., PO Box 27116, Salt Lake City, UT 84127-0116, or by telephone at 1-800-464-3649.”