

Assessment of Public Comment

During the public comment period, the Board received two written comments, which are summarized below.

One comment expressed concerns about increased costs to the NYS workers' compensation system as a result of this proposal being adopted. The proposal increases emergency room reimbursement rates that have not been updated since 1995, and for the first time establishes fees for rural clinics and private psychiatric hospitals using Medicaid reimbursement rates. The Board believes these fees are reasonable and expects a decrease in frictional costs by establishing certainty and guidelines in this area. Accordingly, no change has been made in response to this comment.

The other comment raised several concerns and suggested changes to decrease confusion and provide further clarity on the rules. In response to this comment, the Board has amended section 329-3.3 to clarify when fees may be payable under the fee schedule for Rural Outpatient Clinic services. The remaining suggestions as to clarification will be handled administratively.

The Board has also removed the provision in section 329-3.3(a) relating to supervision of nurse practitioners and physician assistants. Supervision rules will change with the effective date of the amendment of workers' compensation law section 13-b and current supervision rules are fully described in the Official New York State Worker's Compensation Fee Schedule adopted on April 1, 2019. Accordingly, no rules regarding supervision are included in this regulatory amendment.