

Section 329-1.3 of Title 12 NYCRR is hereby amended to read as follows:

- (a) The medical fee schedule for medical[, physical therapy and occupational therapy] services shall be the Official New York Workers' Compensation Medical Fee Schedule, updated [December 26, 2018] December 11, 2019, prepared by the board and published by OptumInsight, which is herein incorporated by reference.
- (b) The Official New York Workers' Compensation Medical Fee Schedule incorporated by reference herein may be examined at the office of the Department of State, One Commerce Plaza, 99 Washington Avenue, Albany, NY 12231, the Legislative Library, the libraries of the New York State Supreme Court, and the district offices of the board. Copies may be purchased from OptumInsight, by writing to Official New York Workers' Compensation Fee Schedule, PO Box 88050, Chicago, IL 60680-9920; by telephone at 1-800-464-3649, option 1; or online at [www.optum360coding.com](http://www.optum360coding.com) keyword New York or <https://www.optum360coding.com/Product/40508/>.

A new part 329-4 is hereby added to read as follows:

#### **Part 329-4 Acupuncture and Physical Therapy and Occupational Therapy Fee Schedule**

##### **§ 329-4.1 Application**

- (a) The fee schedule applicable to acupuncture services shall be the acupuncture fee schedule in effect on the date on which the acupuncture services were rendered, regardless of the date of accident.
- (b) The fee schedule applicable to physical therapy and occupational therapy services shall be the physical therapy and occupational therapy fee schedule in effect on the date on which the physical therapy or occupational therapy services were rendered, regardless of the date of accident.

##### **§ 329-4.2 Acupuncture and physical therapy and occupational therapy fee schedule; incorporation by reference**

- (a) The acupuncture fee schedule for acupuncture services shall be the Official New York Workers' Compensation Acupuncture and Physical Therapy and Occupational Therapy Fee Schedule, created December 11, 2019 prepared by the Board and published by OptumInsight, which is herein incorporated by reference.
- (b) The physical therapy and occupational therapy fee schedule for physical therapy and occupational therapy services shall be the Official New York Workers' Compensation Acupuncture and Physical Therapy and Occupational Therapy Fee Schedule, created December 4, 2019, prepared by the Board and published by OptumInsight, which is herein incorporated by reference.
- (c) The Official New York Workers' Compensation Acupuncture and Physical Therapy Fee Schedule incorporated by reference herein may be examined at the office of the Department of State, One Commerce Plaza, 99 Washington Avenue, Albany, NY 12231, the Legislative Library, the libraries of the New York State Supreme Court, and the district offices of the Board. Copies may be purchased from OptumInsight, by writing to

Official New York Workers' Compensation Fee Schedule, PO Box 88050, Chicago, IL 60680-9920; by telephone at 1-800- 464-3649, option 1; or online at [www.optum360coding.com](http://www.optum360coding.com) keyword New York or <https://www.optum360coding.com/Product/40508/>.

Part 333 of Title 12 NYCRR is hereby amended to read as follows:

**§333.1 Application**

The fee schedule applicable to psychological services shall be the [psychology] behavioral health fee schedule in effect on the date on which the psychological services were rendered, regardless of the date of accident.

**§ 333.2 [Psychology] Behavioral Health fee schedule; incorporation by reference**

- (a) The [psychology] behavioral health fee schedule for psychology services shall be the Official New York Workers' Compensation [Psychology] Behavioral Health Fee Schedule, updated [December 26, 2018] December 11, 2019, prepared by the Board and published by OptumInsight, which is herein incorporated by reference.
- (b) The Official New York Workers' Compensation [Psychology] Behavioral Health Fee Schedule incorporated by reference herein may be examined at the office of the Department of State, One Commerce Plaza, 99 Washington Avenue, Albany, NY 12231, the Legislative Library, the libraries of the New York State Supreme Court, and the district offices of the board. Copies may be purchased from OptumInsight, by writing to Official New York Workers' Compensation Fee Schedule, PO Box 88050, Chicago, IL 60680-9920; by telephone at 1-800-464-3641, option 1; or online at [www.optum360coding.com](http://www.optum360coding.com) keyword New York or <https://www.optum360coding.com/Product/40508/>.

Section 348.2 of Title 12 NYCRR is hereby amended to read as follows:

- (a) The chiropractic fee schedule for chiropractic services shall be the Official New York Workers' Compensation Chiropractic Fee Schedule, updated [December 26,2018] December 11, 2019, prepared by the Board and published by OptumInsight, which is herein incorporated by reference.
- (b) The Official New York Workers' Compensation Chiropractic Fee Schedule incorporated by reference herein may be examined at the office of the Department of State, One Commerce Plaza, 99 Washington Avenue, Albany, NY 12231, the Legislative Library, the libraries of the New York State Supreme Court, and the district offices of the board. Copies may be purchased from OptumInsight, by writing to Official New York Workers' Compensation Fee Schedule, PO Box 88050, Chicago, IL 60680-9920; by telephone at 1-800-464-3649, option 1; or online at [www.optum360coding.com](http://www.optum360coding.com) keyword New York or <https://www.optum360coding.com/Product/40508/>.

Section 301.3 of Title 12 NYCRR is hereby amended to read as follows:

§ 301.3 Section 301.3. Fees for attendance of chiropractors, nurse practitioner, licensed clinical social workers, and psychologists at hearings

Whenever the attendance of the injured employee's treating or consultant chiropractor, nurse practitioner, licensed clinical social worker, or psychologist at a hearing is required, such chiropractor, nurse practitioner, licensed clinical social worker, or psychologist shall be entitled to an attendance fee of \$350. In instances involving special circumstances, the board may fix a fee in an amount greater than the said sum, such increased fee to be commensurate with the circumstances in the particular case. Where the attendance is pursuant to a subpoena issued by the board, the Workers' Compensation Law judge or any officer of the board so designated by the chair, the attendance fee may be limited to no more than \$70.