

Part 323, Section 323.1 of Subchapter C. of Title 12 NYCRR is hereby added to read as follows:

Part 323. Medical Provider Authorization

Section 323.1 Application for New York Workers' Compensation Authorization

- (a) Providers who can apply to become authorized. A duly New York State licensed acupuncturist, chiropractor, nurse practitioner, occupational therapist, physical therapist, physician, physician assistant, podiatrist, psychologist or social worker as defined in section 13-b of the Workers' Compensation Law may apply to become an authorized provider under the Workers' Compensation Law by complying with the provisions of this section.
- (b) Providers listed in subdivision (a) of this section who wish to be authorized by the Chair shall submit their application in the electronic format prescribed by the Chair. On or after January 1, 2020, newly authorized acupuncturists, nurse practitioners, occupational therapists, physical therapists, physician assistants or licensed clinical social workers may treat injured workers and bill for their services. A hospital, as that term is defined in Article 28 of the Public Health Law, may submit a single collective application in the format prescribed by the Chair for each provider type employed by such hospital when such employer hospital affirms that the providers listed in the collective application are currently employed and meet the qualifications required to become Board authorized.
- (c) Affirmations. Such application shall contain an affirmation that the information provided by the applicant(s) is correct and complete, and that all bills, variances, medical reports, requests for prior authorization, and requests for review of billing disputes will be submitted in the electronic format prescribed by the Chair.
- (d) Required license and certification information. An application for authorization under this section must also provide the provider's license information and certification of completion of the required training, including:
 - (1) For acupuncturists, New York State licensed and having completed a formal course of study and having passed an examination in accordance with the education law, the regulations of the commissioner of education, and the requirements of the Board of regents.
 - (2) For chiropractors, New York State licensed and having completed two years of preprofessional college study and a four-year resident program in chiropractic in accordance with the education law, and consistent with the licensing requirements of the commissioner of education.
 - (3) For nurse practitioners, certification of licensure as a registered professional nurse (certified pursuant to section sixty-nine hundred ten of the education law) acting within their lawful scope of practice.
 - (4) For occupational therapists, New York State licensed and having at least a bachelor's or master's degree in occupational therapy from a registered program with the education department or receipt of a diploma or degree resulting from completion of not less than four years of postsecondary study, which includes the professional study of occupational therapy in accordance with the education law and the regulations of the commissioner of education.

- (5) For physical therapists, New York State licensed in accordance with the education law and licensing requirements of the commissioner of education.
 - (6) For physicians, New York State licensed with a degree of doctor of medicine, M.D., or doctor of osteopathic medicine, D.O., or an equivalent degree in accordance with the education law and the licensing requirements of the state board of medicine and the regulations of the commissioner of education.
 - (7) For physician assistants, New York State licensed as a physician assistant pursuant to section sixty-five hundred forty-one of the education law. In order to become authorized to practice under the Workers' Compensation Law, such physician assistants' supervising physician must have an active Board authorization to treat injured workers.
 - (8) For podiatrists, New York State licensed and having received a doctoral degree in podiatric medicine in accordance with the regulations of the commissioner of education and the education law, and satisfactorily meeting all other requirements of the state board for podiatric medicine.
 - (9) For psychologists, New York State licensed and having received a doctoral degree in psychology from a program of psychology.
 - (10) For social workers, New York State licensed as a clinical social worker having completed a master's degree of social work that includes completion of a core curriculum of at least twelve credit hours of clinical courses or the equivalent post-graduate clinical coursework, in accordance with the education law and the regulations of the commissioner of education.
- (e) Receipt of application. The date and time of an application shall be the time a completed and electronically signed application is received by the Board. For the purposes of this section, electronically signed shall mean submitted using a valid NY.gov ID business account in the applicant's name. Receipt of the completed application by the Board does not indicate that a provider has been authorized.
- (1) An applicant, if approved for authorization, shall receive a separate notification informing them of their authorization.
 - (2) Pursuant to section thirteen-b of the Workers' Compensation Law, a physician applicant must submit an authorization application to the medical society of the county in which the physician's office is located or to a board designated by such county society or to a board representing duly licensed physicians of any other school of medical practice in such county or state-wide board, if applicable, together with submission of his or her application to the Board. Such simultaneous submission to the applicable county medical society and the Board shall be done in a single transaction using the electronic method and format prescribed by the Chair and available to all parties. Every county medical society shall individually or through a delegate provide the Board with the email address for application submission. Following review of the application, a county medical society or state-wide review board, shall submit their recommendation to the Board. In the event such county society or board fails to take action upon a physician's completed and electronically signed application within forty-five days, the chair may complete review of the application without such approval.

- (f) The Board may reject applications for authorization or remove a provider from the list of authorized providers if information in the application is omitted, inaccurate or false or fails to complete mandatory training prescribed by the Chair.
- (g) Every authorized provider, regardless of their date of authorization, shall renew their authorization with the Board within thirty days of their license renewal with the New York State Education Department. Such renewal of authorization shall include updated professional information and certification that any mandatory training required by the Chair has been completed. The Board may remove a provider from the list of authorized providers if the renewal of authorization is not filed, or is incomplete, inaccurate, or falsifies any information. A provider whose New York State license is not timely renewed may not renew their authorization.
- (h) Upon approval of an authorization application, the provider may treat injured workers within the scope of their practice and as set forth in section thirteen-b of the Workers' Compensation Law. Authorized providers billing for workers' compensation injuries, including treatment rendered after a case is closed, must bill at the provider's appropriate New York State Workers' Compensation medical fee schedule rate.
- (i) Unless otherwise permitted by law, a provider permitted to seek authorization, must obtain such authorization prior to treating injured workers under the workers' compensation law.
 - (1) Such provider may not treat an injured worker under subdivision (2)(b) of section thirteen-b of the workers' compensation law.
 - (2) A provider permitted to treat injured workers upon prescription or referral of an authorized provider or under the supervision of an authorized provider prior to January 1, 2020, may continue to treat in such capacity when such provider has submitted an application for authorization on or before January 1, 2020, but such application has not yet been acted upon by the chair or chair's designee.