

Regulatory Flexibility Analysis for addition of 325-1.26 of Title 12 of the New York Codes Rules and Regulations.

1. Effect of rule:

This proposed rule applies to any claimant seeking a schedule loss of use determination. It provides impairment guidelines for conducting impairment evaluations and making schedule loss of use determinations. The rule will have no effect on local governments.

2. Compliance requirements:

Under this new rule, evaluations of permanent impairment must be completed using the Workers' Compensation Guidelines for Determining Impairment.

3. Professional services:

The Board believes that no professional services will be needed to comply with this rule. This new rule simply offers revised guidelines on making schedule loss of use determinations.

4. Compliance costs:

This proposal does not involve any new compliance costs. It offers revised guidelines for making schedule loss of use determinations.

5. Economic and Technological Feasibility:

No implementation or technology costs are anticipated for small businesses and local governments for compliance with the proposed rule. Therefore, it will be economically and technologically feasible for small businesses and local governments affected by the proposed rule to comply with the rule.

6. Minimizing adverse impact:

The Board does not anticipate any increased costs or adverse impact, other than revised guidelines to follow in making schedule loss of use determinations. The new rule establishes guidelines for making those determinations in response to a legislative mandate.

7. Small business and local government participation:

Pursuant to the legislative mandate the Board conferred and consulted with labor, business, medical providers, insurance carriers and self-insured employers on the draft Impairment Guidelines on August 15, 2017 at Board offices around the State.