

A new subdivision (b) of section 442.1 of Title 12 NYCRR is hereby added to read as follows:

(a) This durable medical equipment fee schedule is applicable to durable medical equipment, medical/surgical supplies and other such items prescribed in the course of medical care or treatment for an injured employee dispensed on or after the most recent effective date of section 442.2 of this Part, regardless of the date of accident or date of disablement for an occupational disease. Durable medical equipment, medical/surgical supplies and other such items dispensed on or after July 11, 2007, but prior to the most recent effective date of section 442.2 of this part, shall be reimbursed pursuant to the fee schedule in section 442.2 of this part in effect on the date the durable medical equipment, medical/surgical supply or other such time was dispensed.

(b) The Official New York Workers' Compensation Durable Medical Equipment Fee Schedule, as set forth in section 442.2 of this Title, shall be updated on an annual basis. New items of durable medical equipment added during the previous year will not have a fee associated to that item. Prior authorization to dispense such durable medical equipment as well as the price paid for the item will be required in accordance with section 442.4 of this Title before such durable medical equipment may be supplied to the claimant.

Paragraph (1) of subdivision (a) of section 442.2 of Title 12 NYCRR is hereby amended to read as follows:

#### **Section 442.2. Fee schedule**

(a)(1) The maximum permissible charge for the purchase of durable medical equipment, medical/surgical supplies, and orthotic and prosthetic appliances shall be the fee payable for such equipment or supplies under the Official New York Workers' Compensation Durable Medical Equipment Fee Schedule, [second] third edition, [June 28] January 19, 2021, prepared and published by the Board, which is hereby incorporated by reference, available for viewing free of charge on the Board's website.