

Regulatory Impact Statement (DME)

1. Statutory Authority:

Workers' Compensation Law (WCL) §117 and §141 authorizes the Chair of the Workers' Compensation Board (Board) to adopt reasonable rules consistent with the provisions of the WCL.

2. Legislative Objectives:

In keeping with the goals and powers of the New York State Workers' Compensation Board (Board) to provide quality and efficient care to injured workers, as well as in accordance with 12 NYCRR 442.1(b) providing for annual updates of the Durable Medical Equipment (DME) fee schedule, the proposal updates the DME fee schedule and adds additional codes.

3. Needs and Benefits:

The proposed amendments update the Board's DME fee schedule and will reduce frictional costs to the system by providing greater clarity in the fees to be billable/payable for DME.

After a thorough analysis of the DME fee schedule, the Board has determined that several other codes need to be added and/or removed to ensure the codes stay up to date.

4. Costs:

There are no additional costs expected as a result of this proposal –the updating of the fees should either be cost-neutral or reduce overall costs by standardizing the fees charged for the items covered, and should increase clarity and decrease confusion. This should in turn reduce frictional costs associated to fees for DME and unpaid bills for DME should continue to be reduced.

5. Local Government Mandates:

Municipalities or governmental agencies that are self-insured are required to comply with the fee schedule updates, but there are no specific local government mandates associated with this proposal.

6. Paperwork:

No new paperwork will be required as a result of this proposal.

7. Duplication:

There is no duplication of state or federal regulations or standards.

8. Alternatives:

An alternative would be to not update the fee schedule. However, the Board ultimately decided to provide for these changes in order to reduce confusion as much as possible and make the process more cost and time efficient. The proposal provides greater clarity and guidance.

9. Federal standards:

There are no applicable federal standards.

10. Compliance schedule:

The proposed regulation is mandatory. All affected carriers and self-insured employers will need to use the proposed changes to the fee schedules as well as the prior authorization process. All parties will have time to make adjustments prior to the proposal's effective date upon adoption.