

## Regulatory Impact Statement for changes to 12 NYCRR 300.22

### 1. Statutory Authority:

Workers' Compensation Law (WCL) §117(1) and 142 authorizes the Chair of the Workers' Compensation Board (Board) to adopt reasonable rules consistent with, and supplemental to, the provisions of the WCL. WCL § 21-a was amended effective January 1, 2027, to allow temporary payments for medical care without admitting liability (in addition to the already allowed indemnity and prescribed medicine provisions).

### 2. Legislative Objectives:

In order to further the goals of providing quality and efficient care to injured workers, the regulations must conform to the legislation. The regulations provide needed clarity and shape to the law, and the changes to WCL § 21-a seek to further that goal. WCL sections 117 and 142 provide the authority for the Board to issue regulations providing clarity and conforming to these upcoming changes in the law.

### 3. Needs and Benefits:

The Laws of New York 2025, chapter 55, part CC, § 1 amending WCL § 21-a, becomes effective on January 1, 2027. WCL § 21-a already allowed employers to pay for indemnity and prescribed medicine for up to one year without admitting liability. The changes to WCL § 21-a will permit an employer to provisionally pay for medical care without admitting liability or establishing a claim.

As the regulations in 12 NYCRR 300.22 currently only address notification requirements for temporary payments of compensation and/or prescribed medicines, these regulations must be updated to address temporary payments for medical care. If the requirements were unclear, payers might be less likely to opt in to making payments under WCL § 21-a. Opting in to payments under WCL § 21-a allows injured workers to receive temporary payments, which benefits the injured workers. Without being able to provide temporary payments, payers may be

more likely to controvert claims, creating further delays and additional litigation burdens for injured workers.

#### 4. Costs:

The proposed amendment is anticipated to have negligible impact on costs; the employer or carrier may elect to make temporary payments when unsure of the extent of liability for a claim of compensation. This may increase costs as an employer who has elected to make such payments will bear the associated costs. However, this may also reduce costs in the long-term by reducing delay for treatment and care pending establishment of liability. The payer may weigh these potential costs and benefits, and it is the payer's choice on whether to opt in to temporary payments.

#### 5. Local government mandates:

The proposed amendments do not impose any additional program, service, duty, or responsibility upon any county, city, town, village, school district, fire district, or other special district.

#### 6. Paperwork:

The proposed amendments do not generate any new forms or paperwork requirements, but existing forms will be updated so that payers can provide notice as required. These forms must already be filed when a payer opts in to the current temporary payment options under WCL § 21-a.

#### 7. Duplication:

The proposal does not duplicate or conflict with any State or Federal requirements.

8. Alternatives:

An alternative would be to not amend the regulation, which would render it out of compliance with the requirements in WCL § 21-a. Lack of clarity may mean that payers controvert claims rather than provide temporary payments, which would lead to increased litigation and delays in payment for injured workers.

9. Federal standards:

There are no applicable Federal Standards.

10. Compliance schedule:

The regulation would become effective on January 1, 2027.