

2025 State of the State proposals



Increasing access to medical care in the NYS workers' compensation system



Workers' Compensation Board

In her 2025 State of the State agenda, Governor Kathy Hochul included four legislative proposals and a regulatory change designed to give New York's injured workers more options for timely, high-quality medical care. Here is a brief summary of the proposals:

Universal Authorization

First among these is universally authorizing all eligible, licensed health care providers in good standing to treat workers' compensation patients. Currently, only providers authorized by the Board may treat injured workers. Now, authorization would be automatic as part of their NYS licensing.

Universal authorization will enable injured workers to see any licensed health care provider who is willing to treat them, including their own primary care provider. With only 10% of all eligible medical providers authorized to treat workers' compensation patients, this proposal expands the pool of eligible providers across the state, including in underserved rural areas.

Resident and Fellow Physicians

A second proposal allows resident and fellow physicians to treat injured workers under a supervising faculty member, the same way they do for regular health insurance. This will increase provider participation at New York's world-renowned academic hospitals and health care systems, further increasing access to quality medical care and treatment.

Health Care Insurers to Pay During Contested Claims

A third proposal seeks to amend NYS Insurance Law and codify a 2006 General Counsel opinion from the Department of Financial Services directing health care insurers to pay for medical treatment for workers'

compensation claimants, with no co-pay, while their worker's comp claim is disputed. This ensures workers do not get caught in the crosshairs of a dispute; they can get the medical treatment they need when they need it and their providers will get paid in a timely manner. If the claim is ultimately compensable, the health insurer will be reimbursed by the workers' compensation insurer.

Workers' Compensation Insurers Pay Without Prejudice for Medical-Only Claims

A fourth proposal seeks to amend the Workers' Compensation Law so workers' compensation insurers can pay for medical treatment, without accepting liability, for up to one year in medical-only cases, which account for over 60% of all workers' compensation claims. In addition to helping injured workers get timely medical care, the provision provides more transparency, requiring insurers to notify injured workers that such payments are being made and that their claim will automatically be accepted by the insurer at the one-year mark, unless the claim is disputed.

Increasing the Medical Fee Schedule

Finally, the Governor is proposing that the Board, through regulation, increase the medical fee schedule, the amounts paid to health care providers for their services in treating injured workers. The Governor's plan aims to increase the Board's medical fee schedule so the rates are consistently higher than Medicare and more in line with regular health insurance.