

Section 325-1.6 of Title 12 NYCRR is hereby amended to read as follows:

(a) All evaluations of permanent impairment for use in a schedule loss of use determination shall be performed in accordance with the Workers' Compensation Guidelines for Determining Impairment, First Edition, [XXXXXXXXX,] effective January 1, 2018, which is herein incorporated by reference. Such evaluations must be completed in the format prescribed by the Chair.

(b) Obtaining the Workers' Compensation Guidelines for Determining Impairment. The Workers' Compensation Guidelines for Determining Impairment incorporated by reference herein may be examined at the office of the Department of State, 99 Washington Avenue, Albany, New York, 12231, the Legislative Library, the libraries of the New York State Supreme Court, and the district offices of the Board. Copies may be downloaded from the Board's website or obtained from the Board by submitting a request in writing, with the appropriate fee, identifying the specific guideline requested and the choice of format to Publications, New York State Workers' Compensation Board, 328 State Street, Schenectady, New York 12305-2318. Information about the Workers' Compensation Guidelines for Determining Impairment can be requested by email at [GENERAL\_INFORMATION@wcb.ny.gov] MDO@wcb.ny.gov], or by telephone at 1-800-781-2362]. The Workers' Compensation Guidelines for Determining Impairment are available [on paper or compact disc. A fee of ten dollars will be charged for the guideline requested in paper format, and a fee of five dollars will be charged for a compact disc. Payment of the fee shall be made by check or money order payable to 'Chair WCB.'] online at <https://www.wcb.ny.gov/>.

Section 328.12 of Title 12 NYCRR is hereby amended to read as follows:

All notices required to be filed with the [chairman] chair pursuant to this Part, shall be deemed filed when received by the [chairman] Chair, Workers' Compensation Board, [180 Livingston Street, Brooklyn, NY 11248] 328 State Street, Schenectady, NY 12305-2318.

Section 342.10 of Title 12 NYCRR is hereby amended to read as follows:

Whenever a notice is required to be filed with the chair, such notice shall be filed with the Chair, Workers' Compensation Board, [180 Livingston Street, Brooklyn, NY 11248] 328 State Street, Schenectady, NY 12305-2318.

Section 347.9 of Title 12 NYCRR is hereby amended to read as follows:

All notices required to be filed with the [chairman] chair, pursuant to this Subchapter, shall be deemed filed when received by the [chairman] Chair, Workers' Compensation Board, [180 Livingston Street, Brooklyn, NY 11248] 328 State Street, Schenectady, NY 12305-2318.

Section 349-2.11 of Title 12 NYCRR is hereby amended to read as follows:

All notices required to be filed with the [chairman] chair, pursuant to this Part, shall be deemed filed when received by the [chairman] Chair, Workers' Compensation Board, [180 Livingston Street, Brooklyn, NY 11248] 328 State Street, Schenectady, NY 12305-2318.

Section 425.2 of Title 12 NYCRR is hereby amended to read as follows:

(a) The following office[s] of the Workers' Compensation Board [are] is hereby designated to receive requests for information under the Freedom of Information Law:

[(1) New York City.] Schenectady.

State of New York

Workers' Compensation Board

[180 Livingston Street

Brooklyn, NY 11248]

328 State Street

Schenectady, NY 12305-2318

[(2) Albany.

State of New York

Workers' Compensation Board

100 Broadway--Menands

Albany, NY 12241]

(b)

(1) The records access officers shall be: The General Counsel or any attorney designated by the General Counsel in such office or any other employee designated for that specific purpose by the chair.

(2) Requests for all records pursuant to this Part shall be referred to the Office of the General Counsel for disposition.

[(c) The Workers' Compensation Board fiscal officer for purposes of the Freedom of Information Law, shall be the Director of Finance and Policy who is located at: State of New York, Workers' Compensation Board, 100 Broadway--Menands, Albany, NY 12241.]

[(d) c] Requests for information will be received and inspections permitted between the hours of 9:30 a.m. and 4 p.m., at each location on all days when such location is open for business.

Subdivision (a) of Section 425.3 of Title 12 NYCRR is hereby amended to read as follows:

(a) Requests for payroll information made by bona fide members of the news media upon a form (AC-375) prescribed by the Comptroller of the State of New York shall be referred to the Director of [Communications, Information and Education] Public Information, Workers' Compensation Board, [180 Livingston Street, Brooklyn, NY 11248] 328 State Street, Schenectady, NY 12305-2318.

Section 425.6 of Title 12 NYCRR is hereby amended to read as follows:

The Workers' Compensation Board shall maintain a subject matter list of records required to be disclosed by article 6 of the Public Officers Law and such subject matter list, updated every six months, shall be located in the Office of the General Counsel of the Workers' Compensation

Board, [180 Livingston Street, Brooklyn, NY 11248] 328 State Street, Schenectady, NY 12305-2318. [and in the office of the Assistant Executive Director for Administration of the Workers' Compensation Board, 100 Broadway--Menands, Albany, NY 12241, in a place available for public inspection.]

Section 430.2 of Title 12 NYCRR is hereby amended to read as follows:

(a) The Workers' Compensation Board privacy compliance officer is the General Counsel or any attorney designated by the General Counsel in such office or any other employee designated for that specific purpose by the chair.

(b) The address [and telephone number] of the privacy compliance officer is:

Office of the General Counsel, Workers' Compensation Board, [180 Livingston Street, Room 621, Brooklyn, NY 11248, Telephone (718) 802-6671.] 328 State Street, Schenectady, NY 12305-2318.

(c) The privacy compliance officer and/or [his/her] their designee(s) is/are responsible for:

(1) assisting a data subject in identifying and requesting personal information, if necessary;

(2) describing the contents of systems of records, orally or in writing, in order to enable a data subject to learn if a system of records includes a record or personal information identifiable to a data subject requesting such record or personal information;

(3) taking one of the following actions upon locating the record sought:

- (i) make the record available for inspection, in a printed form without codes or symbols, unless an accompanying document explaining such codes or symbols is also provided;
  - (ii) permit the data subject to copy the record; or
  - (iii) deny access to the record, in whole or in part, and explain in writing the reasons therefor;
- (4) making a copy available, upon request, upon payment of or offer to pay established fees, if any, or permitting the data subject to copy the record;
- (5) certifying, upon request, that a copy of a record is a true copy; or
- (6) certifying, upon request, that:
- (i) the Workers' Compensation Board does not have possession of the record sought;
  - (ii) the Workers' Compensation Board cannot locate the record sought after having made a diligent search; or
  - (iii) the information sought cannot be retrieved by use of the description thereof, or by use of the name or other identifier of the data subject without extraordinary search methods being employed by the Workers' Compensation Board.

Section 430.4 of Title 12 NYCRR is hereby amended to read as follows:

(a) Records shall be made available at the main office of the Workers' Compensation Board, which is located at:

[180 Livingston Street, Brooklyn, NY 11248] 328 State Street, Schenectady, NY 12305-2318.

(b) Whenever practicable, records shall be made available at a district office most convenient to a data subject. For the most current addresses of district offices, locations are listed online at

<https://www.wcb.ny.gov/>. The district offices are located at:

(1) [100 Broadway Menands, Albany, NY 12241] Riverview Center, 150 Broadway, Suite #195, Menands, NY 12204;

(2) [113 State Street,] State Office Building, 44 Hawley Street, Binghamton, NY 13901;

(3) [State Office Building, 125 Main Street,] Ellicott Square Building, 295 Main Street, Suite 400, Buffalo, NY 14203;

(4) [155] 130 Main Street West[.], 1<sup>st</sup> Floor, Rochester, NY 14614;

(5) [State Office Building,] 935 James Street, Syracuse, NY [13202] 13203; [and]

(6) [175 Fulton Avenue, Hempstead, NY 11550] 2929 Expressway Drive North, Suite 200, Islandia, NY 11749;

(7) 215 W. 125<sup>th</sup> Street, 5th Floor, New York, NY 10027;

(8) One Pierrepont Plaza, 5<sup>th</sup> floor, 300 Cadman Plaza West, Brooklyn, NY 11201;  
and

(9) 168-46 91<sup>st</sup> Avenue, 3<sup>rd</sup> floor, Jamaica, NY 11432.

Subdivisions (c) and (d) of Section 430.8 of Title 12 NYCRR are hereby amended to read as follows:

(c) Any such denial may be appealed to the executive director or the person(s) designated by [him/her] them.

(d) The address and telephone number of the appellate officer is:

Executive Director, Workers' Compensation Board, [180 Livingston Street, Room 603, Brooklyn, NY 11248, Telephone (718) 802-6700.] 328 State Street, Schenectady, NY 12305-2318.

Section 441.2 of Title 12 NYCRR is hereby amended to read as follows:

The New York Workers' Compensation Formulary, sixth edition (August 31, 2021), incorporated by reference herein, identifies drugs using three lists:

- (a) phase A for prescriptions within the first 30 days following an accident or injury;
- (b) phase B for prescriptions after, the sooner of, the first 30 days following an accident or injury or acceptance or establishment of the claim; and
- (c) perioperative for use during the perioperative period.

Copies of the formulary may be downloaded from the board's website free of charge. The formulary may be examined at the office of the Department of State, 99 Washington Avenue, Albany, New York 12231, the Legislative Library, the libraries of the New York State Supreme

Court, and the district offices of the board, or obtained from the Board's website. [Information about the formulary can be requested by email at [WCBFormularyQuestions@wcb.ny.gov](mailto:WCBFormularyQuestions@wcb.ny.gov), or by telephone at 1-800-781-2362.]