

Regulatory Impact Statement for repeal of Parts 326, 330, 332, 340, 342, 345, 347, 412, and Subpart 349-2 of Title 12 NYCRR

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.

2. Legislative Objectives: While Workers' Compensation Law sections 13-k, 13-l, and 13-m mention provider practice committees and WCL section 13-aa describes the medical appeals unit, in practice these committees and the medical appeals unit have not existed since at least 2020. Because they are obsolete, repealing these regulations aligns with the objectives of WCL sections 117 and 142 to keep the regulations updated and consistent with the law.

3. Needs and Benefits: The repeal of Parts 326, 330, 332, 340, 342, 345, 347, 412, and Subpart 349-2 is being proposed as a part of Governor Hochul's EXPRESSNY initiative to amend or repeal burdensome, redundant, or outdated regulations. These regulations are outdated – the Board's Medical Director's Office processes applications for authorization administratively and those who are denied or for whom there is a question are referred to the Board's Provider Compliance Committee. Purely clinical issues are typically referred to the Office of Professional Medical Conduct or the Office of the Professions. The Board has not encountered any discipline-specific issues that require specialty input or a medical appeals unit – and they have not existed since at least 2020. Because of this, these regulations fit within the goals of the EXPRESSNY initiative and should be repealed. Additionally, starting in 2028, the "Universal Authorization" bill enacted as part of the New York State FY 26-27 budget (Part X of budget bill A10005C/S9005C) takes effect and the Board will no longer be processing applications for the authorization of providers, since these providers will automatically be able to treat injured workers unless they have been placed on the exclusion list.

4. Costs: The proposed repeal of these regulations is not expected to have any impact on costs, because the regulations are outdated and the practice committees and medical appeals units have not been used since at least 2020.

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:

There are no paperwork requirements associated with this proposal.

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

8. Alternatives: An alternative would be to not repeal these Parts of the regulation and leave it as is, because they are outdated and have been superseded by case law. However, in accordance with Governor Hochul's EXPRESSNY initiative, the subject of these Parts has not been used since at least 2020 and could be a source of confusion if left in regulation.

9. Federal standards. There are no applicable Federal Standards.

10. Compliance schedule: The repeal of these Parts is expected to become effective upon publication of a Notice of Adoption in the State Register.