

Regulatory Impact Statement for repeal of section 300.12

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: Sections 23 and 142 of the Workers' Compensation Law explicitly contain language allowing the Board to certify a question to the Appellate Division, but there is no corresponding statutory reference to the certification of a question by a workers' compensation law judge to the Board, so repealing this regulation harmonizes with the law.

3. Needs and Benefits: This section is being proposed to be repealed as a part of Governor Hochul's EXPRESSNY initiative to amend or repeal burdensome, redundant, or outdated regulations. As this section has never been utilized to the Board's knowledge, it is being proposed to be repealed to reduce outdated regulations.

4. Costs: The proposed repeal of section 300.12 is not expected to have any impact on costs, because to the Board's knowledge this regulation has never been utilized.

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 this section of the regulation and leave it as is, and this likely would be fine – since it has never been used to the Board’s knowledge. However, in accordance with Governor Hochul’s EXPRESSNY initiative, this section is an outdated regulation that the Board identified could be repealed with no impact on the Board’s operations or its stakeholders.

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

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