


What Does the NY State Workers Compensation (W.C.) Board Do?

- Too much to cover in the time we have – some of their roles include;
- Establish and update W.C. Injury/Illness Treatment Guidelines
- Maintain a panel of approved care providers to care for injured workers
- Set wage replacement benefit and mileage reimbursement rates
- Determine compensability (acceptance) of a W.C. Claim
- Determine degree of disability of W.C. Claims (mild, moderate, marked and total) and impairment permanency

Employer Contested W.C. Claims

- Employer has 45 days to contest or controvert a claim – inform W.C. Insurance Carrier when reporting claim or ASAP
- Gather as much evidence as possible - video or photos, witness statements, prior medical records or pre-employment screening tools
- Carrier typically schedules Independent Medical Exam (IME) ASAP to gain medical opinion regarding causation of injury/illness
- Employer must prove claim should not be established – However the W.C. System in NY State is designed to protect the injured worker, giving them the benefit of any doubt.

NY State W.C. Board holds hearing for potential W.C. Fraud Claims

- Fraud is difficult to prove but cases are won when the evidence is thorough.
 - If an employee is suspected of fraud, the employer should work closely with the WC Insurance carrier to document evidence.
 - Evidence gathering methods include;
 - surveillance (set-up by insurance carrier or by independent agency contracted by employer),
 - social media checks,
 - statements from co-workers,
 - medical documentation etc.
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- A colorful illustration of a person with dark hair and a yellow shirt using a blue megaphone. The person is surrounded by various icons: a blue speech bubble with the word 'SHARE', a gold trophy, a blue play button icon, a yellow envelope, a lightbulb, a magnifying glass over a red search bar, a globe, and a blue document with a heart icon. The background is a light blue circular shape with dashed lines.



This evidence is presented in front of a W.C. law judge for a determination.



Independent Medical Exam

- The IME (Independent Medical Examination) is one of the few defense tools available but serves many purposes such as:
- second opinion regarding treatment requests or need for surgery,
- opinion regarding a workers' ability to return to work (restricted or full duty),
- opinion regarding causation (could this injury have happened the way the employee states given their job duties???),
- permanency/impairment rating – which can then be used to reach a settlement or Scheduled Loss of Use award and bring the claim to closure.

NY State W.C. Board Settles/Closes claims with Potential Permanency/Impairment

- As noted - The best method to reduce the cost of a claim is always to try and bring the employee back to work in some capacity. Getting an employee working is the ultimate goal and if an employee can work (in some capacity) their entitlement to potential “lost wages” is diminished significantly.
- Using the treating doctors findings and an Independent Medical Examiners findings on loss of range of motion, loss of use of a body part/impairment. The board decides what percentage loss of use or impairment to award to the injured employee