

BULLETIN

March 21, 2011

R.C. 2268

To the Members of the Board

Re: **Upcoming Deadlines Regarding the Medical Treatment Guidelines
Workers' Compensation Board Subject Number 046-464**

The New York State Workers' Compensation Board has just released Subject Number 046-464, which reminds carriers that they must certify, by April 1, 2011, that the Medical Treatment Guidelines have been incorporated into their policies, practices and procedures. In addition, the Subject Number reminds carriers that since, starting June 1, 2011, carriers may no longer decide on a case by case basis whether to waive their right to expedited hearings and request resolution by a medical arbitrator for claims involving variance requests, they must select either the hearing process or medical arbitration for all claims involving variances as of June 1, 2011.

A copy of Subject Number 046-464 is attached for your information and reference.

Questions regarding this subject number, or any other questions pertaining to the implementation of the Medical Treatment Guidelines, should be directed to the Workers' Compensation Board.

Please distribute this information to the appropriate personnel within your organization.

Very truly yours,

Monte Almer

President

MH/ab
Encl.

New York State
Workers' Compensation Board
OFFICE OF THE CHAIR
20 Park Street Albany, New York 12207

Governor Andrew M. Cuomo

Subject No. 046-464

Upcoming Deadlines Regarding the Medical Treatment Guidelines

Date: March 18, 2011

ATTENTION: This Subject Number contains *critical* time-sensitive information.

This Subject Number serves as a reminder of two important upcoming dates related to the Board's Medical Treatment Guidelines program.

Carrier Medical Treatment Guidelines Certification

Board regulations require each carrier and self-insured employer to certify to the Chair, by April 1, 2011, that they have incorporated the Medical Treatment Guidelines into their policies, procedures and practices. Any utilization review and management criteria must be consistent with the Medical Treatment Guidelines. Carriers and self-insured employers must also re-certify to the incorporation of the Medical Treatment Guidelines and the regulatory provisions within 60 days of any changes to their policies, procedures, and practices.

The certification can be completed by the company's designated administrator on the administrator page of the Board's website.

Waiving Carrier's Right to Expedited Hearings

Starting June 1, 2011, a carrier or self-insured employer may no longer decide on a case by case basis whether to waive its right to expedited hearings and request resolution by the medical arbitrator. Instead, the company must select either the hearing process or the medical arbitrator for all claims involving variance requests. No action is required if the carrier/self-insured employer wants to select resolution through the hearing process. To select the medical arbitrator, the administrator must check the appropriate box waiving the right to hearing on the administrator page of the Board's website. Any selection to waive rights to expedited hearings made before June 1 will not become effective until June 1, 2011. The waiver, or withdrawal of the waiver made after June 1, will be effective 30 days after the date the administrator notifies the Board.

The [administrator page](#) is found under the Medical Treatment Guidelines section on the Board's website.

Please contact the Board at 1-800-781-2362 with any questions regarding Medical Treatment Guidelines. Thank you for your cooperation.

Robert E. Beloten
Chair