MEDICAL SOCIETY OF THE STATE OF NEW YORK

Resolution 2017 - 260

Introduced by: Fifth and Sixth Districts
Subject: Correcting Workers’ Compensation Board Policy
Referred to: Reference Committee on Socio-Medical Economics

Whereas, A Workers Compensation Law Judge (WCLJ), by ruling in agreement with Independent Medical Examiners (IMEs) and other Insurance Carrier advocates, is ordering treatment decisions to be carried out outside the doctor-patient relationship; and

Whereas, By ordering discontinuation of treatment regimens, in opposition to the ordering physician, the Workers Compensation Board is at odds with its own stated mission: [The New York State Workers’ Compensation Board protects the rights of employees and employers by ensuring the proper delivery of benefits to those who are injured], specifically by eliminating the role of the patient’s personal treating physician; and

Whereas, IMEs and other Insurance Carrier advocates are using the ruling of the WCLJ in order to reduce treatment expenses, thereby creating a conflict of interest, again, outside the traditional doctor-patient relationship; and

Whereas, It is unprecedented that an officer of the Court can rule in favor of an insurance carrier and against a treating physician in order to enforce treatment guidelines not believed to be in the best interests of the patient; and

Whereas, The Workers’ Compensation Board has neither the authority nor the expertise to design treatment plans for injured workers because these plans are the sole responsibility of the treating physician, who must maintain broad authority to accept or reject guidelines based on patient response, safety, availability of effective alternative treatments, etc.; therefore, be it

RESOLVED, That in accordance with longstanding principles of patient advocacy and treatment autonomy, in order to preserve the autonomous nature of the doctor-patient relationship, the Medical Society of the State of New York seek legislative action to ensure that non-physician personnel such as Workers’ Compensation Administrative Law Judges and/or the courts not interfere with the doctor/patient relationship regarding medical judgment for treating an injured worker; and be it further

RESOLVED, That MSSNY seek legislation to ensure that the decision to issue denials is not made by non-physician clerical personnel.