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*Division of Governmental Affairs*

**MEMORANDUM IN OPPOSITION**

**OPPOSITION TO PART BB OF PPGG BUDGET BILL (S.3005/A.3005) PROPOSAL TO  
ELIMINATE COUNTY MEDICAL SOCIETY REVIEW OF WORKERS' COMPENSATION  
PARTICIPATION APPLICANTS**

On behalf of the 20,000 physician, resident and student members of the Medical Society of the State of New York, we urge you to oppose a proposal contained within Part BB of the Executive Budget Public Protection and General Government bill that would eliminate the historical review role that county medical societies have played in recommending physicians to participate in New York's Workers' Compensation program.

We appreciate the goal of this proposal to ease the burdens associated with participation in the Workers' Compensation program. However, this proposal does not address the fundamental challenges that have resulted in limited physician participation in this program. The issue is not the application process but instead the often-challenging process for obtaining approvals for patient care, excessive patient record submission and other administrative requirements, as well as the significant challenges in navigating the burdensome process to be fairly paid after services have been delivered to injured workers. There are numerous claim appeals, hearings, depositions and paperwork. It can take months or even years to receive payment for care that was appropriately delivered to injured workers.

Even more frustrating is that a Board decision setting forth a carrier's responsibility for making payment does not necessarily even mean that payment will actually be made to the physician providing care. Certain payors, particularly municipal entity payors, regularly fail to make payments that have been adjudicated to be due to physicians, as a result of the lack of a meaningful enforcement mechanism and appropriate penalty against these payors.

The fact of the matter is that this Executive Budget proposal does not address these concerns, which imposes barriers to timely care, in a meaningful manner.

It is also important to note that county medical societies provide an important review function in ensuring qualified physicians are participating in this essential program, which includes ensuring that the applications submitted by physicians to the Workers' Compensation Board are complete. The No-Fault program, which does not have a process for the approval of participating providers, has witnessed significant allegations of fraud and abuse in the program. One such reason may be the lack of a proper vetting process for participation in that program that currently exists for Workers' Compensation but under this proposal would be eliminated. Moreover, most forms of insurance coverage, whether it be Medicare, Medicaid or commercial health insurance require a vetting process

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for provider participation to help ensure that patients accessing care under that program are being treated by quality providers.

Of perhaps greatest concern, permitting every physician to participate in the Workers' Compensation program by virtue of their license could impede the processing of claims by injured workers because many of these physicians may not have the deep knowledge of the Workers' Compensation treatment guideline and claim process that participating physicians must have. Having physicians poorly vetted or less knowledgeable of workers' compensation process provide care could potentially jeopardize an injured worker's legitimate claim under workers' compensation laws.

It is essential that we find solutions to the systematic challenges that deter physician participation in the Workers' Compensation program. We do support another Executive Budget measure to require an injured worker's health insurance plan to cover the costs of the patient's care if the WC carrier controverts the claim. However, eliminating the important review role played by county medical societies in the vetting process for participation does not address these challenges, and may have the effect of endangering care to injured workers.

**Therefore, we respectfully request that this provision be opposed and be removed from the State Budget.**

**1/29/25  
MMA – oppose**

**Respectfully Submitted,**

**MSSNY DIVISION OF GOVERNMENTAL AFFAIRS**