



MEDICAL SOCIETY OF THE STATE OF NEW YORK

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March 14, 2025

Honorable Carl Heastie
Speaker, New York State Assembly
State Capitol, Room 349
Albany, New York 12248

Honorable Andrea Stewart-Cousins
Majority Leader, New York State Senate
State Capitol, Room 332
Albany, New York 12247

Dear Speaker Heastie and Senate Majority Leader Stewart-Cousins:

Our organizations collectively are writing to you to express our strong opposition to a proposal contained in Part BB of the Executive Budget Public Protection and General Government bill (A.3005-A/S.3005-A) 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 thank the New York State Assembly and New York State Senate for not including this proposal in your recently adopted respective "one-House" Budget proposals and urge that you continue to work to ensure that this proposal remains out of the final adopted Budget.

We very much appreciate the goal of this measure 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 reason why physicians have been reluctant to participate is the challenging process for obtaining approvals for patient care as well as the significant challenges in navigating the burdensome, often controverted, process to be fairly paid after services have been delivered to injured workers. 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 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 deemed to be due to physicians, as a result of the lack of a meaningful enforcement mechanism.

Furthermore, our county medical societies provide an important review function in ensuring qualified physicians are participating in this essential program. 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 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. 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 for injured workers. Therefore, we respectfully request that you continue to oppose this provision and that it remains out of the State Budget.

Thank you for your consideration.

**MEDICAL SOCIETY OF THE COUNTY OF ALBANY
BRONX COUNTY MEDICAL SOCIETY
BROOME COUNTY MEDICAL SOCIETY
CAYUGA COUNTY MEDICAL SOCIETY
MEDICAL SOCIETY OF THE COUNTY OF CHEMUNG
CHENANGO COUNTY MEDICAL SOCIETY
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ORANGE COUNTY MEDICAL SOCIETY
OTSEGO COUNTY MEDICAL SOCIETY
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