

New York Law Journal



Web address: h

NEW YORK, THURSDAY, MARCH 2, 2006

©2006 ALM Properties, Inc.

Business Organizations Mount Campaign For Overhaul of Workers' Compensation

BY JOHN CAMER

ALBANY — In a major push for the first comprehensive overhaul of Workers' Compensation in a decade, business representatives yesterday characterized the current system as one that benefits no one, harms everyone and fails to deliver on its promise to provide reasonable, prompt recovery. But labor leaders note that benefits have remained static since 1992, and suggest that the current reform movement is weighted far too heavily toward business—especially insurance carriers.

Workers' Compensation could emerge as one of the key issues of the legislative session as Governor

George E. Pataki, who promptly tackled the matter shortly after taking office in 1995, is again promoting structural changes. In the mid-1990s, Mr. Pataki went to the mat to get his way on Workers' Compensation reform, refusing to negotiate the budget until the Legislature adopted his proposal. It is unclear if he will push that hard this year.

But the governor did include in his lame-duck budget proposal provisions the administration says are aimed at establishing a more objective and fairer system for both businesses and workers.

Mr. Pataki's proposal would create criteria for determining an injured worker's level of impairment, cap the

number of weeks a worker could collect on a permanent partial disability and reduce employer assessments. It would also make injuries incurred during the commission of a crime non-compensable, add dental care and prosthetic devices as covered treatments employers would have to provide, expand the power of the Workers' Compensation Board chairman to remove physicians who exploit the process, allow insurers to dictate the use of a particular pharmacy or diagnostic/radiologic network, increase penalties on employers who fail to secure entitlements for their injured workers, and

Continued on page 7