



DAVID A. PATERSON
GOVERNOR

STATE OF NEW YORK
WORKERS' COMPENSATION BOARD
Bureau of Health Management
100 BROADWAY - MENANDS
ALBANY, NY 12241

800-781-2362



ZACHARY S. WEISS
CHAIR

January 22, 2009

Your correspondence of January 13, 2009 directed to the Chairperson, NYS Workers' Compensation Board, has been forwarded to the Bureau of Health Management and referred to me for reply. Your letter indicates you are seeking clarification of the Board's position on "treating and receiving compensation for two separate, distinct cases on the same date of service".

Before I respond to your inquiry, I would be remiss if I did not inform you that this response is provided for informational purposes only and is based on an interpretation pursuant to Workers' Compensation Law. This interpretation may be based on Workers' Compensation statute, rules and regulations in addition to the Medical Fee Schedule. Only the Board in the exercise of its adjudicatory function is authorized to determine entitlement to benefits based on the specific facts of a given claim and the application of the law to those facts.

NYS Workers' Compensation Law has no specific regulation that would prohibit a provider from treating two separate, distinct cases on the same date of service. In situations where services are rendered in this manner, I would strongly encourage your office to submit separate bills and required reports for each distinct case. In addition, it may be helpful if your office notes for each treatment clearly indicate the specific area to which services were rendered followed by the provider's signature.

Please be mindful that the carrier has the right to object to the treatment but must adhere to the rules and regulations established by the Workers' Compensation Board as outlined in Section 13-g of NYS workers' Compensation Law. Upon receipt of a carrier's timely objection, a provider may utilize the HP-1 process and request an administrative award or arbitration depending on the issues raised.

If I can be of further assistance, please feel free to contact me at 1-800-781-2362.

Sincerely,

Patricia A. Furdyna, RN
Medical Care Representative