



February 1, 2024

VIA ELECTRONIC SUBMISSION [WalshS@nysenate.gov]

Senator Jessica Ramos, c/o Sam Walsh
Senate Labor Committee
172 State St
Albany, NY 12210

Re: *Comment Submission/Hearing on Current State of Workers' Compensation*

Dear Chair Ramos and Members of the Senate Labor Committee:

ExamWorks, LLC makes there herein submission in connection with the Committee's February 5th hearing regarding the state of the workers compensation system. We are a provider of independent medical examinations (IMEs) and other medical-legal services across multiple industries including New York's workers' compensation system. Specifically, ExamWorks schedules IMEs and handles related administrative responsibilities for our panel of independently contracted physicians.

Our foremost concern with the current state of the workers compensation system is its archaic reliance on hard copies of IME reports. There is currently no other option to fulfill the law's same day/same manner requirement other than hard copy mail. *See* N.Y. Workers' Comp. Law § 137. In 2024, paper copies are near obsolete in most every setting and industry, and we believe an update to the law to allow for electronic submissions is long overdue.

Administratively, there is an exorbitant amount of time, burden, and expense that accompanies the requirement of mailing a hard copy of the IME report to the Board, the insurance carrier, the claimant's attending physician, the claimant's attorney, and the claimant. In fact, upon information and belief, New York is the only state that statutorily requires that the IME report be provided to treating providers in the same day/same manner, which exponentially adds to the volume of mailing. An electronic option would streamline and modernize the process in a manner that is beneficial to all involved parties. In addition, an electronic option would be more in line with the Board's currently existing electronic platforms.

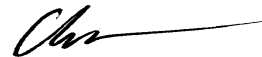
Furthermore, current and future New Yorkers alike will benefit from the reduction in paper waste and from the positive impact on the environment. Signed into law in 2019, the Climate Leadership and Community Protection Act (Climate Act) is New York State's

flagship climate change statute. The Climate Act requires New York to reduce economy-wide greenhouse gas emissions 40 percent by 2030, and no less than 85 percent by 2050 from 1990.¹

A decrease in the sheer volume of paper involved in the IME report mailing process would be impactful towards this goal. For example, consider that an *average* IME report is 4 (four) pages in length, the associated cover letter to the injured worker is 1 (one) page, cc page is (one) page, the IME-4 form is 2 (two) pages, the IME-4.3A form is 1 (one) page, and the IME 4.3B form is 2 (two) pages. This means that *for any one party* the IME report and associated documentation that must be mailed is, on average, *7-10 pages*. Assuming the IME report is mailed to the injured worker, the injured worker's representative, 2 (two) treating providers, the insurance carrier, and the Board, that multiplies the number of pieces of paper to 42-60 pages and the number of envelopes required to six (6) *for one (1) IME*.

For the all reasons stated herein, it is our sincere hope that this issue be given due consideration by the state of New York. We thank the Committee for its attention to this matter, and we are available to meet to discuss the herein recommendations.

Sincerely,



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¹ <https://www.nysenate.gov/legislation/bills/2019/S6599>