

Workers' Comp Legislative Activity

November 15, 2020 – January 1, 2021

NEW JERSEY

AB 4134

Actions: 12/07/2020 Pamphlet Law version released
10/30/2020 Signed by Governor Phil Murphy (D)
09/24/2020 Substituted for SB 2722; Passed Senate; Sent to Governor Phil Murphy (D)
09/22/2020 Hearing held; Passed committee
09/17/2020 Received in the Senate; Referred to Senate Budget and Appropriations Committee
08/27/2020 Passed Assembly
08/24/2020 Hearing held; Passed committee
08/10/2020 Hearing held; Amended; Passed committee
05/11/2020 Introduced; Referred to Assembly Labor Committee

Summary: Summary for 10/30/2020 Version

This measure amends New Jersey code to clarify effective dates and applicability for workers' compensation claims. This measure also increases burial expense allowance. This measure is applicable to workers' compensation claims under P.L.2019, c.387, which increased compensation for loss of a hand or foot.

This measure clarifies that this act will apply to all claims pending on and filed after the original enactment date which was January 21, 2020. This measure will not apply to cases which have been reopened by an Application to Modify a Formal Award.

This measure also increases the workers' compensation burial expense allowance from \$3,500 to \$5,000 if a death results from a workplace accident or occupational disease. This measure does not specify any new rule promulgation authority. This measure was signed by Governor Phil Murphy (D) on October 30, 2020, and took effect immediately.

Outlook: This measure has been signed by Governor Phil Murphy (D). The enacted version of this text has recently been released. This measure took effect upon enactment on October 30, 2020.

Bill Links: [10/30/2020 Pamphlet Law Version](#)
[8/10/2020 Version](#)
[5/11/2020 Version](#)

Note: This information is neither intended to be all-inclusive for the industry, nor for public redistribution. Please feel free to send your questions, comments, suggestions, and requests for further information to Coventry at Regulatory@cvtv.com.

The information which is provided herein and links to other related web sites are offered as a courtesy to our clients. All material is intended for information, communication and educational purposes only and is in no manner an endorsement, recommendation or approval of any information. Coventry Workers' Comp Services accepts no liability for the consequences of any actions taken on the basis of the information provided.

NEW YORK

202.13

Actions: 12/02/2020 Extended
 11/03/2020 Extended
 10/04/2020 Extended
 09/04/2020 Extended
 08/05/2020 Extended
 07/06/2020 Extended
 06/06/2020 Extended
 05/28/2020 Extended
 05/14/2020 Extended
 05/07/2020 Extended
 04/07/2020 Extended
 03/30/2020 Issued

Summary: Summary 12/2/2020 Version

Governor Andrew Cuomo (D) has issued an executive order in response to the COVID-19 outbreak. This order will limit mental health services to certain certified settings with the approval of the commissioner of OPWDD.

Employees of OPWDD or OPWDD approved providers, OCFS licensed or certified programs, OASAS certified, funded or authorized programs, OMH or OMH licensed, funded or approved programs who have previously undergone such background checks are allowed to be employed by a different OPWDD approved provider and/or OCFS licensed or certified program and/or OASAS certified, funded or authorized program and/or OMH licensed, funded or approved program without undergoing new background checks. These provisions are also waived to the extent necessary to allow providers the discretion to permit already qualified individuals and who are not listed on the Staff Exclusion List to work unsupervised while an updated background check is completed.

This order extends the grace period for the payment of premiums and fees to 90 days for any life insurance policyholder or fraternal benefit society certificate holder, as those terms are used in such sections, facing a financial hardship as a result of the COVID-19 pandemic. A life insurance policyholder or annuity contract holder or a certificate holder, must provide, under a group policy or contract with 90 days to exercise rights or benefits under the applicable life insurance policy or annuity contract for any policyholder or contract holder or certificate holder under the group policy or contract who is unable timely to exercise rights or benefits as a result of the COVID-19 pandemic. Workers Compensation Laws are modified to impose a moratorium on an insurer cancelling, non-renewing, or conditionally renewing any insurance policy issued to an individual or small business, or, in the case of a group insurance policy, insuring certificate holders that are individuals or small businesses, for a period of 60 days, for any policyholder, or in the case of a group insurance policy, group policyholder or certificate holder, facing financial hardship as a result of the COVID-19 pandemic.

The Superintendent of Financial Services has authority to promulgate an emergency regulation to apply the provisions of the Executive Order relevant to policy cancellations, to premium finance agencies. To fill a vacancy the governor must issue a separate proclamation for the election. This order allows the

school districts to pay for the cost of child-care services.

All instruments that are signed and delivered to the superintendent under the New York Banking Law that are required to be verified or acknowledged under the Banking Law, may be verified or acknowledged by including standard verification or acknowledgement language in the instrument and transmitting a legible copy of the signed instrument by fax or electronic means.

The special election in the City of New York to fill the vacancy in the Office of Borough President of Queens is rescheduled for June 23, 2020.

Any special election which has been rescheduled for June 23, 2020 may only contain the names of those individuals who had previously been qualified to appear on the ballot on April 28, 2020. Circulation, filing, and collection of any designating petitions, or independent nominating petitions for any office that would otherwise be circulated or filed pursuant to the Election Law, Education Law or any other consolidated law for any office commencing March 31, 2020 have been postponed. Any school board, library board, or village election scheduled to take place in April or May of 2020 has been postponed until at least June 1, 2020.

Any worker who is employed by the state of New York, must, if deemed non-essential by their agency, work from home or be able to stay home without charging their accruals until April 16, 2020.

Executive Order 202.6 is hereby modified to clarify that construction which was an essential service not subject to the in-person work restrictions is modified to provide only certain construction is considered exempt from the in-person restrictions as of March 28, 2020. Further, on and after March 27, 2020, Empire State Development Corporation is authorized to determine which construction projects will be essential and thereby exempt from the in-person workforce prohibition, contained in EO 202.6 and subsequent Executive Orders which further reduced the workforce requirements. All continuing construction projects must utilize best practices to avoid transmission of COVID-19.

This order continues the restrictions on public or private businesses or places of public accommodation until April 15, 2020. This order will remain in effect until January 1, 2021.

Bill Links: [12/2/2020 Version](#)
[11/3/2020 Version](#)
[10/4/2020 Version](#)
[9/4/2020 Version](#)
[8/5/2020 Version](#)
[7/6/2020 Version](#)
[6/6/2020 Version](#)
[5/28/2020 Version](#)
[5/14/2020 Version](#)
[5/7/2020 Version](#)
[4/7/2020 Version](#)
[3/30/2020 Version](#)

RHODE ISLAND

70

Actions: 12/02/2020 Extended
11/02/2020 Extended
09/02/2020 Introduced

Summary: Summary for 12/2/2020 Version

Governor Gina M. Raimondo (D) has extended an executive order regarding hospital and community-based health care. The order applies to hospitals, nursing facilities, licensed health facilities, health care workers, and disaster response workers. Suspending Statutes and Rules to Allow Expanded Hospital Capacity; Directives to Hospitals:

The order suspends hospital and nursing facility licensing statutes and rules, nursing facility bed moratorium statute and rules, certificate of need statutes and rules, as well as the requirement of local authorization of a hospital or camp for communicable disease for all Rhode Island hospitals and nursing facilities.

The order mandates all Rhode Island licensed hospitals to take all steps necessary, expanding medical, surgical, and critical care capacity, to continue to evaluate and treat, to the best of that hospital's ability under the circumstances, everyone who presents at the hospital for care throughout the progression of the COVID-19 virus in Rhode Island.

The order mandates a hospital considers itself unable to provide inpatient care for COVID-19 patients at a level of quality available at other Rhode Island hospitals, patients may be transferred to the nearest hospital location or another appropriate care setting with the capacity to provide care at the community standard at the time, subject to patient choice. The order mandates hospitals and all other licensed health care facilities to cooperate with one another to transfer and accept patients to increase patient access to care and maximize the quality of care.

The order stipulates when medically appropriate, obstetrical, rehabilitation, and behavioral health patients should be transferred by general hospitals to a suitable specialty hospital to make room for COVID-19 patients.

The order stipulates community-based health care providers are ordered to continue to evaluate, treat and refer, to the best of their ability, everyone who presents to them for care throughout the progression of the COVID-19 virus in Rhode Island, unless specifically directed otherwise by the RIDOH.

The order stipulates the immunity provisions of Executive Order 20-21, Section 7 applies to all acts covered that occurred during the pendency of that Executive Order. The provisions of Executive Order 20-21 concern nursing facilities ability to add beds and services and/or operate alternative nursing care sites, including quarantine step-down sites as defined by the Director of the Rhode Island Department of Health, to address the COVID-19 virus and the ability of hospitals to also provide nursing facility services on their premises subject to the approval of the Director of the Rhode Island Department of Health.

Statutory Immunity for Responding Hospitals, Health Care Workers, and Others: The order defines "disaster response workers" as all persons and organizations who provide health care or personal

assistance services during the COVID-19 pandemic. Persons may include health care entities, health care professionals, and health care workers providing community-based health care, long term care, congregate care services at alternative hospitals, and services in existing hospitals, nursing facilities, assisted living residences, home health care, hospice, adult daycare, and PACE organizations. Disaster response workers also include the landlords making the alternative hospital sites available to the state, their employees, management companies, and contractors providing services to construct, operate, or decommission the alternative hospital locations. The order designates liability immunity to all disaster response workers.

The order provides that immunity will not be provided for the negligence of any person or organization not deemed and/or affirmed a disaster response worker or engages in willful misconduct, gross negligence, or bad faith, all of which are prohibited from being immunized under Rhode Island law.

Workers' Compensation: The order clarifies the provisions of section 30-15-15(c) of the Rhode Island General Laws, treating disaster response workers as state employees for purposes of workers' compensation, are suspended concerning any person recognized as a disaster response worker solely under the order. The benefits of section 30-13-13 will be available to all other disaster response workers.

The order's immunity provisions will apply to all acts conducted during the pending time period of the executive order being issues. This order will remain in effect until December 31, 2020.

Bill Links: [12/2/2020 Version](#)
[11/2/2020 Version](#)
[9/2/2020 Version](#)