

**NEW YORK STATE
DEPARTMENT OF INSURANCE**

**TWENTY-SIXTH AMENDMENT TO REGULATION NO. 83
(11 NYCRR 68)**

CHARGES FOR PROFESSIONAL HEALTH SERVICES

I, Gregory V. Serio, Superintendent of Insurance of the State of New York, pursuant to the authority granted by Sections 201, 301 and Article 51 of the Insurance Law, do hereby promulgate the following Twenty-sixth Amendment to Part 68 (Regulation No. 83) of Title 11 of the Official Compilation of the Codes, Rules and Regulations of the State of New York to take effect upon publication in the State Register, to read as follows:

(MATTER UNDERLINED IS NEW; MATTER IN BRACKETS DELETED)

Section 68.1(b) of Part 68 is hereby amended to read as follows:

(b) The [schedules for medical, chiropractic, and podiatric services, as well as scheduled fees for some dental, psychiatric and physical therapy services *, hereby adopted by the Superintendent of Insurance, are incorporated herein as Appendix 17 – A and charges for services listed therein shall not exceed the charges permissible under such schedules] charges for services specified in paragraph one of subsection (a) of section 5102 of the Insurance Law and any further health service charges which are incurred as a result of the injury and which are in excess of basic economic loss, shall not exceed the charges permissible under the schedules prepared and established by the chair of the Workers' Compensation Board for industrial accidents. However, references to workers' compensation reporting and procedural requirements in such schedules do not apply, e.g. requirements that provide for authorization to perform surgical procedures, is not applicable to no-fault. The general instructions and ground rules in the workers' compensation fee schedules apply, but those rules which refer to workers' compensation claim forms, pre-authorization approval and dispute resolution guidelines do not apply, unless specified in this Part.

Subdivisions (c) through (x) of Section 68.1 are repealed.

Section 68.2 is repealed and Sections 68.3 through 68.10 are renumbered to be Sections 68.2 through 68.9, respectively.

Subdivisions (b) through (r) of the new Section 68.2 are repealed and subdivision (s) is relettered to be subdivision (b).

Appendix 17-A to Part 68 is repealed.

Footnote 1 of Part C of Appendix 17-C to Part 68 is repealed and a new Footnote 1 is added in its place to read as follows:

¹Region determined by provider's ZIP code. See table of ZIP codes set forth in the Numerical List of Postal Zip Codes contained in the Introduction to Appendix 17-C.

Footnote 1 of Part D of Appendix 17-C to Part 68 is repealed and a new Footnote 1 is added in its place to read as follows:

¹Region determined by provider's ZIP code. See table of ZIP codes set forth in the Numerical List of Postal Zip Codes contained in the Introduction to Appendix 17-C.

Footnote 1 of Part I of Appendix 17-C to Part 68 is repealed and a new Footnote 1 is added in its place to read as follows:

¹Region determined by provider's ZIP code. See table of ZIP codes set forth in the Numerical List of Postal Zip Codes contained in the Introduction to Appendix 17-C.

Part L of Appendix 17-C to Part 68 is repealed.

I, Gregory V. Serio, Superintendent of Insurance, do hereby certify that the foregoing is the Twenty-sixth Amendment to 11 NYCRR 68 (Regulation 83), promulgated by me on October 4, 2002 pursuant to the authority granted by Sections 201 and 301 and Article 51 of the Insurance Law, to take effect upon publication in the State Register.

Pursuant to the provisions of the State Administrative Procedure Act, prior notice of the proposed amendment was published in the August 14, 2002 issue of the State Register. No other publication or prior notice is required by statute.

Gregory V. Serio
Superintendent of Insurance

October 4, 2002