



NYCIRB
 New York Compensation
 Insurance Rating Board
 733 Third Avenue
 New York, NY 10017
 Tel: (212) 697-3535

January 26, 2017

R.C. 2429

Re: New York Workers' Compensation and Employers Liability Manual
 New York Workers' Compensation Statistical Plan
 Approval of Safe Patient Handling Act Filing
Effective Date: October 1, 2017

Members of the Rating Board:

I write to inform you that the New York State Department of Financial Services ("DFS") approved the filing made by the New York Compensation Insurance Rating Board ("Rating Board"), in accordance with New York State Insurance Regulation 119, 11 NYCRR 151-7.2(b).

New York State Insurance Regulation 119 requires the Rating Board to establish a premium credit program for "health care facilities," as defined by Section 2997-h(1) of the New York State Public Health Law, that are in compliance with the provisions of the New York State Safe Patient Handling Act, codified in Article 29-D, Title 1-A of the New York State Public Health Law ("Safe Patient Handling Act").

The documents attached to this bulletin describe the approved premium credit program. In short, for policies effective on October 1, 2017 and after, insurance carriers will elect one of the premium credit methodologies listed below to determine the credit to be applied to eligible health care facilities:

- A. A flat 2.5% credit ("Flat Credit"); or
- B. A tiered credit in accordance with the following table ("Tiered Credit"):

Percentage of Policy Premium Eligible for a Credit	% Credit
95% or more	2.5
Greater than or equal to 70%, but less than 95%	2
Greater than or equal to 35% but less than 70%	1.25
Greater than or equal to 10% but less than 35%	0.5
Less than 10%	0.1



Each carrier group may choose one credit methodology – either the Flat Credit or the Tiered Credit – to be applied by each of its carrier members to all of their eligible insureds. To the extent that a carrier is not a member of a carrier group, that carrier must similarly choose one credit methodology to apply to all of its insureds. Unless a carrier group, or a carrier that is not a member of a group, provides notice to DFS that it will apply the Tiered Credit, such group or carrier shall apply the Flat Credit.

Please find attached modified and final manual pages that reflect the above-described credit program. Also attached are new endorsements numbered WC 31 04 05 and WC 31 04 06, and titled “New York Safe Patient Handling Act Program Explanatory Endorsement,” which must be attached to qualifying policies. The premium credit applies to the entire modified policy premium and must be reported to the Rating Board under Statistical Code 9651 “Safe Patient Handling Act Program Premium Credit.”

The following pages have been modified and are attached in redline and final format:

1. New York Workers’ Compensation and Employers Liability Manual: R-45, R-46, R-93, Appendix C – AC-2, AC-3, AC-6, Alphabetical Index and Numerical Index of Endorsements;
2. New York Workers’ Compensation Statistical Plan: Part III – R-17; and
3. Endorsements WC 31 04 05 and WC 31 04 06.

In addition, please be advised that the enclosed revised premium algorithm pages reflect the repositioning of the schedule rating adjustment from item 32 to item 37. However, this repositioning does not impact the premium base to be used in the determination of the schedule rating adjustment.



The amendments enumerated above have been included in updated versions of the New York Workers' Compensation and Employers Liability Manual and the New York Workers' Compensation Statistical Plan, which are available on the Rating Board's website at www.nycirb.org. If you have any questions concerning these amendments, please contact Mr. Philip Reda, Vice President, Underwriting Services, at 212-697-3535 ext. 113 or at preda@nycirb.org.

Very truly yours,

A handwritten signature in blue ink, appearing to read "Jeremy Attie".

Jeremy Attie
President and CEO

Enclosures

4. **New York Safe Patient Handling Act Program (NYSPHAP)** – The NYSPHAP applies to health care facilities, as that term is defined by Section 2997-h(1) of the New York State Public Health Law, that are in compliance with the provisions of the New York State Safe Patient Handling Act, codified in Article 29-D, Title 1-A of the New York State Public Health Law (“Safe Patient Handling Act”).

Classifications that are eligible to receive a credit under the NYSPHAP may include, but are not limited to, the following classes:

- 8829 Nursing Home–All Employees
- 8833 Hospital–Professional Employees
- 8865 Alcohol or Drug Rehabilitation Facility-All Employees-& Clerical
- 8866 Assisted Living Facility-All Employees & Clerical
- 9040 Hospital–All Other Employees

Mandatory requirements for compliance with NYSPHAP are enumerated in Section 2997-k(2) of the New York State Public Health Law. In accordance with New York State Insurance Regulation 119, 11 NYCRR 151 – 7.2(b), insurers must verify compliance with the Safe Patient Handling Act. Health care facilities that are in compliance will receive a credit as follows:

- A. A flat 2.5% credit (“Flat Credit”); or
- B. A tiered credit in accordance with the following table (“Tiered Credit”):

Percentage of Policy Premium Subject to NYSPHAP	% Credit
95% or more	2.5
Greater than or equal to 70%, but less than 95%	2
Greater than or equal to 35% but less than 70%	1.25
Greater than or equal to 10% but less than 35%	0.5
Less than 10%	0.1

Each carrier group must choose one credit methodology – either the Flat Credit or the Tiered Credit – which will be applied by each of its carrier members to all of its insureds. To the extent that a carrier is not a member of a carrier group, that carrier must similarly choose one credit methodology which it must apply to all of its insureds. Unless a carrier group, or a carrier that is not a member of a group, provides notice to the New York State Department of Financial Services that it will apply the Tiered Credit, such group or carrier shall apply the Flat Credit.

NYSPHAP credit applies to the entire modified policy premium and is to be reported to the Rating Board under Statistical Code 9651.

The NYSPHAP credit shall be applied at policy inception and is subject to premium audit.

Use Endorsement WC 31 04 05 for Flat Credit.

Use Endorsement WC 31 04 06 for Tiered Credit.

RULE VII—PREMIUM DISCOUNT**Item 4 of the Information Page—continued****A. EXPLANATION**

Premium discount recognizes that the relative expense of issuing and servicing larger premium policies is less than for smaller premium policies. Premium discount is a per policy charge and is calculated based upon the carrier's expense provision as of the effective date of the policy and policy standard premium.

B. DEFINITIONS**1. Standard Premium**

★ Standard premium is the premium before the premium discount. For the purposes of this rule, the premium is determined on the basis of authorized carrier rates, any experience rating or merit rating modification, credits under the New York Construction Classification Premium Adjustment Program, surcharges and credits under the Workplace Safety Programs, the New York Safe Patient Handling Act Program (NYSPHAP), and other programs as shown in Appendix C, non-ratable elements as defined in Rule VI.A.4, premium for increased limits of liability and carrier minimum premiums. The carrier expense constant, the New York State Assessment, the Workers' Compensation Security Fund Surcharge and the additional charges for the catastrophe provisions as shown in Rule IX.N shall be excluded from determination of the standard premium.

2. Total Standard Premium

Total standard premium means the total premium for all states covered by the policy.

3. Insured

Insured means a single entity or two or more legal entities eligible for combination under the New York Experience Rating Plan Manual.

C. RETROSPECTIVE RATING

Any standard premium under a retrospective rating plan is not subject to premium discount.

D. DETERMINATION OF PREMIUM DISCOUNT

If a policy develops total standard premium in excess of \$5,000, the standard premium is subject to premium discount as follows:

1. Without Retrospective Rating**a. Single State Policy**

If a policy provides coverage only in New York, the carrier shall apply a premium discount as approved by the Department of Financial Services.

RULE XVI – NEW YORK SCHEDULE RATING PLAN

A. Eligibility

To be eligible for this Plan, which is applied on an optional basis by the carrier, the annual manual premium must be \$2,500.00 or greater.

B. Application

- ★ 1. The maximum schedule rating modification adjustment is limited to plus or minus 5% and is exclusive of any other approved New York credit or debit programs, such as the Workplace Safety and Loss Prevention Incentive Programs (i.e. Safety Incentive Program, Drug and Alcohol Prevention Program, and Return to Work Program), the New York Safe Patient Handling Act Program (NYSPHAP), and Compulsory Workplace Safety and Loss Consultation Program. Credits derived from the NYCCPAP or Deductible Program are also exclusive of a schedule rating plan.
2. The schedule rating factor is applied in a multiplicative manner after the application of the merit rating factor (if applicable) or the experience rating factor (if applicable) and before the application of premium discount and the expense constant.
3. The credit or debit must be in the range for each specific risk characteristic as provided in the Plan.
4. Schedule rating plans must provide for an objective analysis of the risk and be based on factual information that supports the rating. Schedule rating plans must be based only on rating characteristics not already reflected in the carrier rates, experience modification, or any other program. Schedule rating plans should not include debits or credits to reflect past loss experience.
5. At the time that the schedule rating factor is applied, the carrier must have documentation on file detailing the basis for the credit or debit. The New York Schedule Rating Worksheet on Appendix Page AD-1 is provided for your use and information. Carrier documentation must be provided to the insured on request.
6. The effective date of the schedule rating factor must be on or after the date of the carrier's receipt of the documentation supporting the basis for the schedule rating factor.
7. If the insured can correct the reason for any schedule debit to the satisfaction of the carrier, the debit may be removed effective on the date that documentation for the correction is received in the carrier's office.
8. Schedule Rating Credits may not be awarded for any safety feature for which any credit, discount or dividend was already provided under an approved Safety Group program.

APPENDIX C

Effective October 1, 2017

PREMIUM ALGORITHM (Continued)

Sequence of Presentation &/or Calculation*	Statistical Codes	Premium Element Name	Calculation Procedure
17	9841	Drug-Free Workplace Credit	As per carrier filing (subject to experience rating)
18	9606	Repatriation Expense Premium	Flat charge as per Rule VIII-D.4. of the NYWC&EL Manual
	None	TOTAL SUBJECT PREMIUM	Sum of Manual Premium for all classifications + lines 7 thru 18
19	None	Experience Modification	As per Experience Rating Plan; Promulgated by NYCIRB for intra-state risks; by NCCI for inter-state risks
		TOTAL MODIFIED PREMIUM	Total Subject Premium x Experience Modification
20	9885, 9886, 9896	Merit Rating Adjustment	Total Subject Premium x Merit Rating Factor; Factor calculated by NYCIRB
21	9046	New York Construction Classification Premium Adjustment Program (NYCCPAP)	Total Modified Premium x NYCCPAP Factor; Factor calculated by NYCIRB
22	9846	Drug-Free Workplace Credit	As per carrier filing (not subject to experience rating)
23	9874	Managed Care/PPO Premium Credit	As per carrier filing
24	9747	Compulsory Workplace Safety Program Surcharge	Total Modified Premium per Rule VI K. of the WC&EL Manual x Workplace Safety Surcharge Factor.
25	Various	Non-ratable elements	Payroll x Applicable Rate / 100
26	9985	Radiation Exposure NOC	Supplemental rate x Payroll for operations subject to radiation exposure / 100
27	9663	Deductible Premium Credit (After Experience Modification)	As per carrier filing with the Department of Financial Services.
28	0931	Short Rate Cancellation Penalty	As per Rule X-D of the NY WC&EL Manual.
29	0990	Minimum Premium Balance Amount	Amount required to balance to risk minimum premium
30	9849	Employer Liability Increased Limits Minimum Premium – Admiralty or FELA Coverage	Minimum Premium less Increased Limits Premium if applicable
31	9034, 9036	Rate Deviation – Method 3 (After Experience Modification)	(Modified Premium plus statistical codes not subject to experience rating) x deviation factor; not applicable as of 10/1/08
★ 32		Reserved for future use	

Sequence of Presentation &/or Calculation*	Statistical Codes	Premium Element Name	Calculation Procedure
33	9753	WSLPIP Drug & Alcohol Prevention Program Credit	Total modified premium per Rule VI K. of the WC&EL Manual x Drug & Alcohol Prevention Credit Factor
34	9743	WSLPIP Return-To-Work Program Premium Credit	Total modified premium per VI K. of the WC&EL Manual x Return-To-Work Credit Factor
35	9748	WSLPIP Safety Incentive Program Premium Credit	Total modified premium per VI.K of the WC&EL Manual x Safety Incentive Credit Factor
★ 36	9651	Safe Patient Handling Act Program Premium Credit (NYSPHAP)	Total modified premium x SPHA Credit Factor as per Rule VI K-4 of the NY WC&EL Manual.
★ 37	9887, 9889	Schedule Rating Plan	(Modified Premium plus statistical codes not subject to experience rating) x (1-SR Credit %) or (1+SR Debit %)
★	NONE	TOTAL STANDARD PREMIUM	Total Modified Premium + all premium from classifications and statistical codes not subject to experience rating (items 18 thru 37).
★ 38	0063, 0064	Premium Discount	Tabular or formula value as specified by the carrier; not applicable in conjunction with retrospective rating
★ 39	0900	Expense Constant	A fixed dollar amount per policy as specified by the carrier
★ 40	9740	Terrorism	Rate per \$100 of total policy payroll; % of class premium for non-payroll classes.
★ 41	9741	Natural Disasters and Catastrophic Industrial Accidents	Rate per \$100 of total policy payroll; % of class premium for non-payroll classes.
	NONE	TOTAL ESTIMATED ANNUAL PREMIUM	Premium combining all applicable elements above
★ 42	0932	New York State Assessment	A percentage of Standard Premium as defined in Rule IX.L.3 of the NY WC&EL Manual.
★ 43	NONE	Total Estimated Premium and Assessment	Total Estimated Annual Premium + NY State Assessment Charge.
★ 44	9749	New York Workers Compensation Security Fund	A percentage of the Total Estimated Annual Premium
★ 45	NONE	TOTAL ESTIMATED POLICY COST	Total Estimated Annual Premium + NY State Assessment Charge + NY WC Security Fund Charge.

*See Pages AC-4 through AC-6 for Premium Element Definitions

PREMIUM ALGORITHM (Continued)
PREMIUM ELEMENT DEFINITIONS

Sequence of Presentation &/or Calculation*	Premium Element Name	Premium Element Definition
27	Deductible Premium Credit (After Experience Modification)	Premium credit for employer election to reimburse carrier for losses below specified limit.
28	Short Rate Cancellation Penalty	Penalty charged employer for canceling policy before expiration date
29	Minimum Premium Balance Amount	Additional premium to balance to minimum
30	Employers Liability Increased Limits Minimum Premium – Admiralty or FELA Coverage	Additional premium to balance to minimum charge for Part Two increased limits
31	Rate Deviation – Method 3 (After Experience Modification)	Specified percentage premium adjustment per carrier filing with Department of Financial Services; not applicable as of 10/1/08.
★ 32	Reserved for future use	
33	Drug & Alcohol Prevention Program Premium Credit	Eligible employers who implement an approved WSLPIP drug and alcohol prevention program can receive authorized premium credits
34	WSLPIP Return-To-Work Program Premium Credit	Eligible employers who implement an approved WSLPIP return-to-work program can receive authorized premium credits
35	WSLPIP Safety Incentive Program Premium Credit WSLPIP	Eligible employers who implement an approved WSLPIP safety incentive program can receive authorized premium credits.
★ 36	Safe Patient Handling Act Program Premium Credit (NYSPHAP)	Total modified premium x SPHA Credit Factor as per Rule VI K-4 of the NY WC&EL Manual.
★ 37	Schedule Rating Plan	Premium credits or debits to reflect characteristics of a risk that are not reflected in its experience.
TOTAL STANDARD PREMIUM		
★ 38	Premium Discount	Premium adjustment to expense provisions based on size of standard premium
★ 39	Expense Constant	Premium charge which covers expense such as policy issuing, recording and auditing.
★ 40	Terrorism	Premium for losses due to certified acts of terrorism.
★ 41	Natural Disasters and Catastrophic Industrial Accidents	Premium for losses due to natural disasters and catastrophic accidents
TOTAL ESTIMATED ANNUAL PREMIUM		Information Page Value
★ 42	New York State Assessment	A charge to fund the administration of the Workers' Compensation Board and Special Funds.
★ 43	Total Estimated Premium and Assessment	Total Estimated Annual Premium + NY State Assessment Charge.
★ 44	New York Workers Compensation Security Fund	When applicable a charge to fund deficiencies in the New York Workers Compensation Security Fund
★ 45	TOTAL ESTIMATED POLICY COST	Information Page Value

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Effective October 1, 2017

**NEW YORK SAFE PATIENT HANDLING ACT PROGRAM
EXPLANATORY ENDORSEMENT**

The New York Safe Patient Handling Act Program (NYSPHAP) allows a premium credit for New York employers in the healthcare industry. This credit exists to recognize compliance with section 2997-k(2) of the New York State Public Health Law.

The declarations section of this policy will show a credit of 2.5% if you are eligible for this credit. You are eligible for a NYSPHAP credit if you are in compliance with the requirements of New York State Public Health Law Section 2997-k(2) and your policy contains classification codes subject to the NYSPHAP, which may include, but are not limited to the following:

8829 Nursing Home—All Employees
8833 Hospital—Professional Employees
8865 Alcohol or Drug Rehabilitation Facility-All Employees-& Clerical
8866 Assisted Living Facility-All Employees & Clerical
9040 Hospital—All Other Employees

Contact your broker, agent, or insurance carrier if you believe you are eligible for a NYSPHAP credit.

Effective October 1, 2017

**NEW YORK SAFE PATIENT HANDLING ACT PROGRAM
EXPLANATORY ENDORSEMENT**

The New York Safe Patient Handling Act Program (NYSPHAP) allows a premium credit for New York employers in the healthcare industry. This credit exists to recognize compliance with section 2997-k(2) of the New York State Public Health Law.

The declarations section of this policy will show a credit of 0.1% to 2.5% if you are eligible for this credit. You are eligible for a NYSPHAP credit if you are in compliance with the requirements of New York State Public Health Law Section 2997-k(2) and your policy contains classification codes subject to the NYSPHAP, which may include, but are not limited to the following:

8829 Nursing Home—All Employees
8833 Hospital—Professional Employees
8865 Alcohol or Drug Rehabilitation Facility-All Employees-& Clerical
8866 Assisted Living Facility-All Employees & Clerical
9040 Hospital—All Other Employees

Contact your broker, agent, or insurance carrier if you believe you are eligible for a NYSPHAP credit.

ii. Maritime or FELA

Report the additional premium required to equal the separate minimum premiums under Code 9849 when manual premium is developed under Maritime or FELA classifications and where such premium together with any Maritime or FELA increased limits charge is less than any Maritime or FELA minimum premiums.

i. Non-Ratable Premium Elements

Report the exposures, manual rates and premium amounts under the associated statistical codes listed in Part VI for classification codes containing non-ratable elements.

Note: Report the same exposure under the non-ratable codes as reported for the companion ratable classification codes.

j. Rate Deviations

Not applicable in New York to policies effective October 1, 2008 and subsequent.

k. Schedule Rating Premium Amount

For policies written to include Schedule Rating credits or debits, report the premium credit amount under Code 9887 and the premium debit amount under Code 9889

l. Short Rate Penalty Premium

Report the additional premium resulting from the application of the Short Rate Cancellation Rule X.D. in the New York Workers Compensation and Employers Liability Manual under Code 0931.

m. Workplace Safety and Loss Consultation Premium Surcharge

Report the premium surcharge amount as a result of the New York Compulsory Workplace Safety and Loss Consultation Program under Code 9747.

n. Workplace Safety and Loss Prevention Incentive Program (WSLPIP) Premium Credit Amounts**i. Drug and Alcohol Prevention Program**

Report the premium credit amount under Code 9753 for policies written in conjunction with New York's Drug and Alcohol Prevention Program.

ii. Return-To-Work Program

Report the premium credit amount under Code 9743 for policies written in conjunction with New York's Return-To-Work Program.

iii. Safety Incentive Program

Report the premium credit amount under Code 9748 for policies written in conjunction with New York's Safety Incentive Program.

★ o. Safe Patient Handling Act Program Premium Credit

Report the premium credit amount under Statistical Code 9651 for policies eligible for the Safe Patient Handling Act Program Premium Credit.

14. Total Payroll Exposure

Report the sum of all payroll exposures. Do *not* include exposures reported for the non-ratable codes.

Note: Total payroll exposure is only required on first reports and corrections to first reports.

4. **New York Safe Patient Handling Act Program (NYSPHAP)** – The NYSPHAP applies to health care facilities, as that term is defined by Section 2997-h(1) of the New York State Public Health Law, that are in compliance with the provisions of the New York State Safe Patient Handling Act, codified in Article 29-D, Title 1-A of the New York State Public Health Law (“Safe Patient Handling Act”).

Classifications that are eligible to receive a credit under the NYSPHAP may include, but are not limited to, the following classes:

- 8829 Nursing Home–All Employees
- 8833 Hospital–Professional Employees
- 8865 Alcohol or Drug Rehabilitation Facility-All Employees-& Clerical
- 8866 Assisted Living Facility-All Employees & Clerical
- 9040 Hospital–All Other Employees

Mandatory requirements for compliance with NYSPHAP are enumerated in Section 2997-k(2) of the New York State Public Health Law. In accordance with New York State Insurance Regulation 119, 11 NYCRR 151 – 7.2(b), insurers must verify compliance with the Safe Patient Handling Act. Health care facilities that are in compliance will receive a credit as follows:

- A. A flat 2.5% credit (“Flat Credit”); or
- B. A tiered credit in accordance with the following table (“Tiered Credit”):

Percentage of Policy Premium Subject to NYSPHAP	% Credit
95% or more	2.5
Greater than or equal to 70%, but less than 95%	2
Greater than or equal to 35% but less than 70%	1.25
Greater than or equal to 10% but less than 35%	0.5
Less than 10%	0.1

Each carrier group must choose one credit methodology – either the Flat Credit or the Tiered Credit – which will be applied by each of its carrier members to all of its insureds. To the extent that a carrier is not a member of a carrier group, that carrier must similarly choose one credit methodology which it must apply to all of its insureds. Unless a carrier group, or a carrier that is not a member of a group, provides notice to the New York State Department of Financial Services that it will apply the Tiered Credit, such group or carrier shall apply the Flat Credit.

NYSPHAP credit applies to the entire modified policy premium and is to be reported to the Rating Board under Statistical Code 9651.

The NYSPHAP credit shall be applied at policy inception and is subject to premium audit.

Use Endorsement WC 31 04 05 for Flat Credit.

Use Endorsement WC 31 04 06 for Tiered Credit.

RULE VII—PREMIUM DISCOUNT**Item 4 of the Information Page—continued****A. EXPLANATION**

Premium discount recognizes that the relative expense of issuing and servicing larger premium policies is less than for smaller premium policies. Premium discount is a per policy charge and is calculated based upon the carrier's expense provision as of the effective date of the policy and policy standard premium.

B. DEFINITIONS**1. Standard Premium**

★ Standard premium is the premium before the premium discount. For the purposes of this rule, the premium is determined on the basis of authorized carrier rates, any experience rating or merit rating modification, credits under the New York Construction Classification Premium Adjustment Program, surcharges and credits under the Workplace Safety Programs, the New York Safe Patient Handling Act Program (NYSPHAP), and other programs as shown in Appendix C, non-ratable elements as defined in Rule VI.A.4, premium for increased limits of liability and carrier minimum premiums. The carrier expense constant, the New York State Assessment, the Workers' Compensation Security Fund Surcharge and the additional charges for the catastrophe provisions as shown in Rule IX.N shall be excluded from determination of the standard premium.

2. Total Standard Premium

Total standard premium means the total premium for all states covered by the policy.

3. Insured

Insured means a single entity or two or more legal entities eligible for combination under the New York Experience Rating Plan Manual.

C. RETROSPECTIVE RATING

Any standard premium under a retrospective rating plan is not subject to premium discount.

D. DETERMINATION OF PREMIUM DISCOUNT

If a policy develops total standard premium in excess of \$5,000, the standard premium is subject to premium discount as follows:

1. Without Retrospective Rating**a. Single State Policy**

If a policy provides coverage only in New York, the carrier shall apply a premium discount as approved by the Department of Financial Services.

RULE XVI – NEW YORK SCHEDULE RATING PLAN

A. Eligibility

To be eligible for this Plan, which is applied on an optional basis by the carrier, the annual manual premium must be \$2,500.00 or greater.

B. Application

1. The maximum schedule rating modification adjustment is limited to plus or minus 5% and is exclusive of any other approved New York credit or debit programs, such as the Workplace Safety and Loss Prevention Incentive Programs (i.e. Safety Incentive Program, Drug and Alcohol Prevention Program, and Return to Work Program), the New York Safe Patient Handling Act Program (NYSPHAP), and Compulsory Workplace Safety and Loss Consultation Program. Credits derived from the NYCCPAP or Deductible Program are also exclusive of a schedule rating plan.
2. The schedule rating factor is applied in a multiplicative manner after the application of the merit rating factor (if applicable) or the experience rating factor (if applicable) and before the application of premium discount and the expense constant.
3. The credit or debit must be in the range for each specific risk characteristic as provided in the Plan.
4. Schedule rating plans must provide for an objective analysis of the risk and be based on factual information that supports the rating. Schedule rating plans must be based only on rating characteristics not already reflected in the carrier rates, experience modification, or any other program. Schedule rating plans should not include debits or credits to reflect past loss experience.
5. At the time that the schedule rating factor is applied, the carrier must have documentation on file detailing the basis for the credit or debit. The New York Schedule Rating Worksheet on Appendix Page AD-1 is provided for your use and information. Carrier documentation must be provided to the insured on request.
6. The effective date of the schedule rating factor must be on or after the date of the carrier's receipt of the documentation supporting the basis for the schedule rating factor.
7. If the insured can correct the reason for any schedule debit to the satisfaction of the carrier, the debit may be removed effective on the date that documentation for the correction is received in the carrier's office.
8. Schedule Rating Credits may not be awarded for any safety feature for which any credit, discount or dividend was already provided under an approved Safety Group program.

PREMIUM ALGORITHM (Continued)

Sequence of Presentation &/or Calculation*	Statistical Codes	Premium Element Name	Calculation Procedure
17	9841	Drug-Free Workplace Credit	As per carrier filing (subject to experience rating)
18	9606	Repatriation Expense Premium	Flat charge as per Rule VIII-D.4. of the NYWC&EL Manual
	None	TOTAL SUBJECT PREMIUM	Sum of Manual Premium for all classifications + lines 7 thru 18
19	None	Experience Modification	As per Experience Rating Plan; Promulgated by NYCIRB for intra-state risks; by NCCI for inter-state risks
		TOTAL MODIFIED PREMIUM	Total Subject Premium x Experience Modification
20	9885, 9886, 9896	Merit Rating Adjustment	Total Subject Premium x Merit Rating Factor; Factor calculated by NYCIRB
21	9046	New York Construction Classification Premium Adjustment Program (NYCCPAP)	Total Modified Premium x NYCCPAP Factor; Factor calculated by NYCIRB
22	9846	Drug-Free Workplace Credit	As per carrier filing (not subject to experience rating)
23	9874	Managed Care/PPO Premium Credit	As per carrier filing
24	9747	Compulsory Workplace Safety Program Surcharge	Total Modified Premium per Rule VI K. of the WC&EL Manual x Workplace Safety Surcharge Factor.
25	Various	Non-ratable elements	Payroll x Applicable Rate / 100
26	9985	Radiation Exposure NOC	Supplemental rate x Payroll for operations subject to radiation exposure / 100
27	9663	Deductible Premium Credit (After Experience Modification)	As per carrier filing with the Department of Financial Services.
28	0931	Short Rate Cancellation Penalty	As per Rule X-D of the NY WC&EL Manual.
29	0990	Minimum Premium Balance Amount	Amount required to balance to risk minimum premium
30	9849	Employer Liability Increased Limits Minimum Premium – Admiralty or FELA Coverage	Minimum Premium less Increased Limits Premium if applicable
31	9034, 9036	Rate Deviation – Method 3 (After Experience Modification)	(Modified Premium plus statistical codes not subject to experience rating) x deviation factor; not applicable as of 10/1/08
★ 32	9887, 9889	Schedule Rating Plan Reserved for future use	(Modified Premium plus statistical codes not subject to experience rating) x (1-SR Credit %) or (1+SR Debit %)

Sequence of Presentation &/or Calculation*	Statistical Codes	Premium Element Name	Calculation Procedure
33	9753	WSLPIP Drug & Alcohol Prevention Program Credit	Total modified premium per Rule VI K. of the WC&EL Manual x Drug & Alcohol Prevention Credit Factor
34	9743	WSLPIP Return-To-Work Program Premium Credit	Total modified premium per VI K. of the WC&EL Manual x Return-To-Work Credit Factor
35	9748	WSLPIP Safety Incentive Program Premium Credit	Total modified premium per VI.K of the WC&EL Manual x Safety Incentive Credit Factor
★ <u>36</u>	<u>9651</u>	<u>Safe Patient Handling Act Program Premium Credit (NYSPHAP)</u>	<u>Total modified premium x SPHA Credit Factor as per Rule VI K-4 of the NY WC&EL Manual.</u>
★ <u>37</u>	<u>9887, 9889</u>	<u>Schedule Rating Plan</u>	<u>(Modified Premium plus statistical codes not subject to experience rating) x (1-SR Credit %) or (1+SR Debit %)</u>
★	NONE	TOTAL STANDARD PREMIUM	Total Modified Premium + all premium from classifications and statistical codes not subject to experience rating (items 18 thru 35 <u>37</u>).
★ <u>368</u>	<u>0063, 0064</u>	Premium Discount	Tabular or formula value as specified by the carrier; not applicable in conjunction with retrospective rating
★ <u>3739</u>	<u>0900</u>	Expense Constant	A fixed dollar amount per policy as specified by the carrier
★ <u>3840</u>	<u>9740</u>	Terrorism	Rate per \$100 of total policy payroll; % of class premium for non-payroll classes.
★ <u>3941</u>	<u>9741</u>	Natural Disasters and Catastrophic Industrial Accidents	Rate per \$100 of total policy payroll; % of class premium for non-payroll classes.
	NONE	TOTAL ESTIMATED ANNUAL PREMIUM	Premium combining all applicable elements above
★ <u>4142</u>	<u>0932</u>	New York State Assessment	A percentage of Standard Premium as defined in Rule IX.L.3 of the NY WC&EL Manual.
★ <u>4243</u>	NONE	Total Estimated Premium and Assessment	Total Estimated Annual Premium + NY State Assessment Charge.
★ <u>4344</u>	<u>9749</u>	New York Workers Compensation Security Fund	A percentage of the Total Estimated Annual Premium
★ <u>4445</u>	NONE	TOTAL ESTIMATED POLICY COST	Total Estimated Annual Premium + NY State Assessment Charge + NY WC Security Fund Charge.

*See Pages AC-4 through AC-6 for Premium Element Definitions

PREMIUM ALGORITHM (Continued)
PREMIUM ELEMENT DEFINITIONS

Sequence of Presentation &/or Calculation*	Premium Element Name	Premium Element Definition
27	Deductible Premium Credit (After Experience Modification)	Premium credit for employer election to reimburse carrier for losses below specified limit.
28	Short Rate Cancellation Penalty	Penalty charged employer for canceling policy before expiration date
29	Minimum Premium Balance Amount	Additional premium to balance to minimum
30	Employers Liability Increased Limits Minimum Premium – Admiralty or FELA Coverage	Additional premium to balance to minimum charge for Part Two increased limits
31	Rate Deviation – Method 3 (After Experience Modification)	Specified percentage premium adjustment per carrier filing with Department of Financial Services; not applicable as of 10/1/08.
★ 32	Scheduled Rating Plan <u>Reserved for future use</u>	Premium credits or debits to reflect characteristics of a risk that are not reflected in its experience.
33	Drug & Alcohol Prevention Program Premium Credit	Eligible employers who implement an approved WSLPIP drug and alcohol prevention program can receive authorized premium credits
34	WSLPIP Return-To-Work Program Premium Credit	Eligible employers who implement an approved WSLPIP return-to-work program can receive authorized premium credits
35	WSLPIP Safety Incentive Program Premium Credit WSLPIP	Eligible employers who implement an approved WSLPIP safety incentive program can receive authorized premium credits.
★ 36	<u>Safe Patient Handling Act Program Premium Credit (NYSPHAP)</u>	<u>Total modified premium x SPHA Credit Factor as per Rule VI K-4 of the NY WC&EL Manual.</u>
★ 37	<u>Schedule Rating Plan</u>	<u>Premium credits or debits to reflect characteristics of a risk that are not reflected in its experience.</u>
TOTAL STANDARD PREMIUM		
★ <u>368</u>	Premium Discount	Premium adjustment to expense provisions based on size of standard premium
★ <u>3739</u>	Expense Constant	Premium charge which covers expense such as policy issuing, recording and auditing.
★ <u>3840</u>	Terrorism	Premium for losses due to certified acts of terrorism.
★ <u>3941</u>	Natural Disasters and Catastrophic Industrial Accidents	Premium for losses due to natural disasters and catastrophic accidents
TOTAL ESTIMATED ANNUAL PREMIUM		
★ <u>4142</u>	New York State Assessment	Information Page Value
★ <u>4243</u>	Total Estimated Premium and Assessment	A charge to fund the administration of the Workers' Compensation Board and Special Funds.
★ <u>4344</u>	New York Workers Compensation Security Fund	Total Estimated Annual Premium + NY State Assessment Charge.
★ <u>4445</u>	TOTAL ESTIMATED POLICY COST	When applicable a charge to fund deficiencies in the New York Workers Compensation Security Fund
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Effective October 1, 2017

**NEW YORK SAFE PATIENT HANDLING ACT PROGRAM
EXPLANATORY ENDORSEMENT**

The New York Safe Patient Handling Act Program (NYSPHAP) allows a premium credit for New York employers in the healthcare industry. This credit exists to recognize compliance with section 2997-k(2) of the New York State Public Health Law.

The declarations section of this policy will show a credit of 2.5% if you are eligible for this credit. You are eligible for a NYSPHAP credit if you are in compliance with the requirements of New York State Public Health Law Section 2997-k(2) and your policy contains classification codes subject to the NYSPHAP, which may include, but are not limited to the following:

8829 Nursing Home—All Employees
8833 Hospital—Professional Employees
8865 Alcohol or Drug Rehabilitation Facility-All Employees-& Clerical
8866 Assisted Living Facility-All Employees & Clerical
9040 Hospital—All Other Employees

Contact your broker, agent, or insurance carrier if you believe you are eligible for a NYSPHAP credit.

Effective October 1, 2017

**NEW YORK SAFE PATIENT HANDLING ACT PROGRAM
EXPLANATORY ENDORSEMENT**

The New York Safe Patient Handling Act Program (NYSPHAP) allows a premium credit for New York employers in the healthcare industry. This credit exists to recognize compliance with section 2997-k(2) of the New York State Public Health Law.

The declarations section of this policy will show a credit of 0.1% to 2.5% if you are eligible for this credit. You are eligible for a NYSPHAP credit if you are in compliance with the requirements of New York State Public Health Law Section 2997-k(2) and your policy contains classification codes subject to the NYSPHAP, which may include, but are not limited to the following:

8829 Nursing Home—All Employees
8833 Hospital—Professional Employees
8865 Alcohol or Drug Rehabilitation Facility-All Employees-& Clerical
8866 Assisted Living Facility-All Employees & Clerical
9040 Hospital—All Other Employees

Contact your broker, agent, or insurance carrier if you believe you are eligible for a NYSPHAP credit.

ii. Maritime or FELA

Report the additional premium required to equal the separate minimum premiums under Code 9849 when manual premium is developed under Maritime or FELA classifications and where such premium together with any Maritime or FELA increased limits charge is less than any Maritime or FELA minimum premiums.

i. Non-Ratable Premium Elements

Report the exposures, manual rates and premium amounts under the associated statistical codes listed in Part VI for classification codes containing non-ratable elements.

Note: Report the same exposure under the non-ratable codes as reported for the companion ratable classification codes.

j. Rate Deviations

Not applicable in New York to policies effective October 1, 2008 and subsequent.

k. Schedule Rating Premium Amount

For policies written to include Schedule Rating credits or debits, report the premium credit amount under Code 9887 and the premium debit amount under Code 9889

l. Short Rate Penalty Premium

Report the additional premium resulting from the application of the Short Rate Cancellation Rule X.D. in the New York Workers Compensation and Employers Liability Manual under Code 0931.

m. Workplace Safety and Loss Consultation Premium Surcharge

Report the premium surcharge amount as a result of the New York Compulsory Workplace Safety and Loss Consultation Program under Code 9747.

n. Workplace Safety and Loss Prevention Incentive Program (WSLPIP) Premium Credit Amounts**i. Drug and Alcohol Prevention Program**

Report the premium credit amount under Code 9753 for policies written in conjunction with New York's Drug and Alcohol Prevention Program.

ii. Return-To-Work Program

Report the premium credit amount under Code 9743 for policies written in conjunction with New York's Return-To-Work Program.

iii. Safety Incentive Program

Report the premium credit amount under Code 9748 for policies written in conjunction with New York's Safety Incentive Program.

★ o. Safe Patient Handling Act Program Premium Credit

Report the premium credit amount under Statistical Code 9651 for policies eligible for the Safe Patient Handling Act Program Premium Credit.

14. Total Payroll Exposure

Report the sum of all payroll exposures. Do *not* include exposures reported for the non-ratable codes.

Note: Total payroll exposure is only required on first reports and corrections to first reports.