



**NYCIRB**

New York Compensation  
Insurance Rating Board

875 Third Avenue  
New York, NY 10022  
Tel: (212) 697-3535

September 5, 2024

R.C. 2611

Re: New York Statistical Plan Revisions: Effective July 1, 2024

Members of the Rating Board:

I write to inform you that the New York State Department of Financial Services (“DFS”) has approved amendments to the Rating Board’s New York Statistical Plan (“Stat Plan”) which are detailed below and attached hereto.

Specifically, the Stat Plan amendments incorporate links to the New York State Workers’ Compensation Board’s website in Part IV items 14(c) and 14(d) for further information on permanent partial disability schedule and non-schedule loss of use awards. The effective date of these amendments is July 1, 2024.

The following modified and final pages from the Stat Plan, reflecting the approved amendments, are attached for your convenience: Pages: R-46 and R-47.

If you have any questions, please contact Mr. Mark Battistelli, Vice President of Underwriting Services at (212) 697- 3535, ext. 113 or at [underwritingservices@nycirb.org](mailto:underwritingservices@nycirb.org).

Very truly yours,

A handwritten signature in blue ink, appearing to read "Jeremy Attie", is written over a light blue horizontal line.

Jeremy Attie  
President and CEO

Enclosures

**(a) Death - Code 01**

Report each death claim unless it has been established that the carrier has incurred no liability.

The amount reported as incurred indemnity must include all paid and outstanding benefits, including compensation paid to the deceased prior to death, burial expenses and payments to the state.

If there is compensation paid prior to the death of a claimant and there is later found to be no liability on the death claim, the loss is to be reported on the basis of the injury for which payments have previously been made.

Refer to Section (h) below for rules concerning the computation of death claim loss amounts that are payable to the Aggregate Trust Fund.

**(b) Permanent Total Disability- Code 02**

Report as permanent total disability each claim that constitutes permanent total disability under the New York State Workers' Compensation Law, or that, in the judgment of the carrier, will result in permanent total disability.

Refer to Section (h) below for rules concerning the computation of permanent total claim loss amounts that are payable to the Aggregate Trust Fund.

**(c) Permanent Partial Disability- Scheduled Loss of Use - Code 10**

★ A Scheduled Loss of Use permanent partial loss is defined as any permanent injury that does not involve permanent total disability and has been classified, or is expected to be classified, by the New York State Workers' Compensation Board as a Scheduled Loss of Use, in accordance with Section 15, Paragraph 3 Items (a) through (v) of the New York State Workers' Compensation Law, or if a claim has settled prior to such classification but was expected to be classified as such. [Refer to this link for more information: Schedule Loss of Use Award.](#)

The amount entered as incurred indemnity must include specific benefits and compensation for temporary disability, as well as scheduled loss of use award.

**Note:** For Permanent Partial claims that include or are expected to include both a Scheduled Loss of Use award and a Non-Scheduled award, report the injury type that generated the higher incurred indemnity loss amount.

★	<p><b>(d) Permanent Partial Disability- Non-Scheduled - Code 11</b></p> <p>A non-scheduled permanent partial loss is defined as any permanent injury that does not involve permanent total disability and has been classified, or is expected to be classified, by the New York State Workers' Compensation Board as a non-scheduled permanent partial disability claim, in accordance with Section 15, Paragraph 3 Item (w) of the New York State Workers' Compensation Law, or if a claim has settled prior to such classification but was expected to be classified as such. <a href="#">Refer to this link for more information: Schedule Loss of Use Award.</a></p> <p>The amount entered as incurred indemnity must include specific benefits and compensation for temporary disability, as well as loss of earning capacity.</p> <p>Refer to Section (h) below for rules concerning the computation of permanent partial claim loss amounts that are payable to the Aggregate Trust Fund.</p> <p><b>Note:</b> For Permanent Partial claims that include or are expected to include both a Scheduled Loss of Use award and a Non-Scheduled award, report the injury type that generated the higher incurred indemnity loss amount.</p>
	<p><b>(e) Temporary Injury - Code 05</b></p> <p>Report as temporary every case that involves, or is expected to involve, indemnity benefits, but does not constitute a death case, permanent total disability or any permanent partial disability as defined above.</p>
	<p><b>(f) Medical Only - Code 06</b></p> <p>Report as medical-only claims that involve medical costs only and for which no indemnity costs have been incurred or are expected to be incurred as of the valuation date.</p> <p>When reporting claims involving medical-only losses, incurred and paid indemnity loss amounts must be \$0.</p> <p>Incurred medical losses from claims not required to be reported to the New York State Workers' Compensation Board, as defined in Section 110 of the New York State Workers' Compensation Law, provided that the employer pays the claim in the first instance or immediately reimburses the carrier for the treatment rendered to the employee, should <b>not</b> be reported to the Rating Board.</p> <p><b>Note:</b> An employer is not required to file a claim notice with the New York State Workers' Compensation Board if the accident or illness requires ordinary first aid or causes loss of time from work of only one day beyond the working day or shift on which the accident or illness occurred.</p>

	<p><b>(a) Death - Code 01</b></p> <p>Report each death claim unless it has been established that the carrier has incurred no liability.</p> <p>The amount reported as incurred indemnity must include all paid and outstanding benefits, including compensation paid to the deceased prior to death, burial expenses and payments to the state.</p> <p>If there is compensation paid prior to the death of a claimant and there is later found to be no liability on the death claim, the loss is to be reported on the basis of the injury for which payments have previously been made.</p> <p>Refer to Section (h) below for rules concerning the computation of death claim loss amounts that are payable to the Aggregate Trust Fund.</p>
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