

Choosing Your Doctor After a Work Injury

New York's laws give the injured worker primary control

When you're hurt on the job, your first priority should always be your health. That means you need medical care, and ideally, that care would come from someone you know and trust. A good rapport with your treating physician will help you get the best outcome for your injury.

Fortunately, New York law is relatively favorable to the injured worker when it comes to deciding who will provide your medical treatment. Unlike the systems in many other states, the New York [workers' compensation](#) system puts the injured worker in the driver's seat.

You can go to any doctor for emergency care

Let's get this out of the way first: if your work injury is a medical emergency, you are allowed to go to any emergency room for care. If you're being rushed to the hospital in an ambulance, you don't have to stop and check if the doctor you will see in the emergency department is authorized to treat work injuries or on a list of approved providers. (That would be absurd.) If it's an emergency, it's covered by workers' comp, period. It's when we get to *non-emergency* care that the rules get somewhat more complicated.

Generally, you can choose any doctor authorized by the Workers' Compensation Board

In some states, the employer can designate a list of physicians for work-related injuries, and injured workers must choose a physician from the list if they want workers' compensation to pay for their treatment. That's not how it works in New York, though. In general, you can choose any doctor or other health care provider who has been authorized by the New York Workers' Compensation Board. Authorized physicians have been through a training and medical review process to be permitted to treat on-the-job injuries. You can search for an authorized health care provider on the [Workers' Compensation Board website](#).

If you want to see your own primary care provider (PCP) to treat your work injury, you can either search for them on the Workers' Compensation Board website or call your doctor directly and ask if they accept workers' compensation. If your PCP is authorized by the Board, you should be able to get treatment for your work injury from them. If your PCP does not accept workers' comp, they may be able to recommend a doctor who does.

Hurt on the job?

In New York, you can pick your doctor.

In general, you can choose **any health care provider** authorized by the New York Workers' Compensation Board* to treat your work injury.

**in a medical emergency, you can see any provider, authorized or not.*

If the workers' comp insurance company has a preferred provider organization (PPO), then you must see a doctor in the PPO for the **first 30 days** after the injury.

After the first 30 days, or if there is no PPO, you can see **any authorized doctor of your choice** – and change doctors at any time!

The insurance company has some power over your choice of doctor in the first 30 days

Your workers' compensation insurance company may have a preferred provider organization (PPO); that is, a network of providers who have agreed to provide care for plan members at a certain rate. If there is a PPO, you must choose one of the providers in the PPO for any treatment within the first 30 days after the injury. However, after 30 days have passed, you are generally free to switch from the PPO doctor to any other doctor approved by the Workers' Compensation Board.

You can switch to a different physician at any time

If you aren't satisfied with your care, you are generally free to switch doctors at any time. Within the first 30 days of treatment, if the insurance company has a PPO, you are free to switch to any other doctor in the PPO. After 30 days, or at any point if there is no PPO, you are free to switch to any other doctor authorized by the Workers' Compensation Board.

Understanding independent medical examinations (IME)

While the insurance company can't require you to see a specific doctor for your actual treatment, they can require you to undergo an independent medical examination (IME), performed by an Independent Medical Examiner – a medical professional authorized by the Workers' Compensation Board to perform an IME. Depending on what the insurance carrier requests, the IME may involve a physical examination of the injured worker, or merely a "Record Review" of the information provided by the carrier.

It's important to remember that despite being called "independent," the IME is hired by the insurance company and brings a certain level of bias. When an insurance company requests an IME, they are generally looking for reasons to deny treatment or otherwise reduce their costs. They have a significant profit incentive to do so.

While the law allows the insurance company to require an IME, the injured worker also has several rights in this situation. First, you must be given at least eight days' notice of the IME, and the location of the examination must be reasonably convenient. The examiner is required to mail a report to both the insurance company and the injured worker within 10 days, and it must be mailed to all parties at the same time (that is, they can't give the insurance carrier an advantage by sending them the report first). Finally, you have the right to bring a witness to the exam and to have the exam audio or videotaped.

Know your rights in an Independent Medical Examination (IME) in New York

- The insurance carrier must give at least **8 days' notice** before an independent medical exam.
 - The exam must be in a **reasonably convenient location** for the injured worker.
 - The exam report must be sent to the injured worker and the insurance company within **10 days** of the exam – and it must be mailed to both parties at the same time!
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- You have the right to **bring a witness** to your medical exam.
 - You have the right to have your exam **audio or videotaped**.

Getting the treatment you need can be an uphill battle

Even though New York law is quite worker-friendly with respect to *who* will treat you, the laws regarding *what* treatment will be paid for can be significantly more restrictive. Doctors who treat injured workers must follow the state's treatment guidelines, which lay out which types of treatment are appropriate for which type of injury. Of course, insurance companies tend to interpret these guidelines as conservatively as possible in order to minimize the amount of treatment they must pay for. Even if your treating physician is certain that a particular procedure or medication is reasonable and necessary, getting it approved is often difficult.

One key reason to hire an experienced workers' compensation attorney is that we can advocate for the treatment you need. We know how to navigate the system and how to make the case that a particular treatment is reasonable and necessary within the state guidelines. Our attorneys have been down this road with many injured workers throughout New York, and we will take on the legal burden while you focus on following your doctor's instructions and getting better.

You have rights under New York law. An experienced workers' compensation attorney can help protect them. If you have questions about your ability to choose a doctor or any other aspect of treatment for a work injury, we'd be happy to explain your rights in a [free consultation](#).