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Testimony for the New York State Senate 2024 Labor Hearing Worker's Compensation

May 15, 2024

Dear Panel Senate Review on Worker's Compensation,

My name is Sharon McLennon Wier, Ph.D., MEd., CRC, LMHC, Executive Director for the Center for Independence of the Disabled, New York (CIDNY). I am testifying today as a disabled professional and a person who utilized and continues to require the services offered to injured state workers under Workers' Compensation. I am here to advocate for injured workers because they are part of the disabled community who are trying to find their independence among the many systemic barriers that are present in our society. Injured workers need their medical, psychological, and financial resources to survive when they are faced with a life-changing injury sustained on the job. My hope is that sharing my personal story can change the policies and procedures of the Worker's Compensation Program to improve the lives of injured workers.

I am a totally blind person and I have dealt with vision loss since the age of six years old. I am now 53 years old. On September 10, 2015, I was working for the Office of Children and Family Services/New York State Commission for the Blind (NYSCB), as a District Manager for the Harlem Office located on 125th Street in Manhattan. I was taking the subway (#2 Train) to a scheduled meeting located at the NYSCB's Maiden Lane location. After offboarding the train at the Wall Street Station, I used my orientation and mobility cane to navigate to a staircase, and I did not feel the tactile domes stripping along the edge of the platform.

Tactical dome stripping along the train track edge is a crucial detection cue to prevent a blind or visually impaired person from falling into the train track when using an orientation and mobility cane. On this day (September 10, 2015), the tactical dome stripping was worn down and did not have the standard yellow, one inch tactical dome stripping installed at this station. Unfortunately, on this day, I fell into the track during rush hour (around 9:30 a.m.) . I sustained numerous injuries. My injuries were three herniated disks, three fractured bones in the back and Post Traumatic Stress Disorder (PTSD). To this day, my injuries continue to cause neck, back, hips, wrists, and PTSD difficulties. I formerly traveled on the subways alone very confidently and independently. Because of this incident, I am no longer able to do so. This incident has changed my life forever.

I never asked the Worker's Compensation Board for direct financial payment for my injuries. I just needed physical and psychological treatment. I live every day with physical and psychological pain. As the chronic pain progresses, I have to find new ways to complete day-to-day tasks and to preserve my level of happiness despite the physical and psychological pain. I have to depend on others to assist me in traveling to various locations required by my work and day-to-day chores. I have worked with my clinical psychologist, Dr. Gabrielle Stedman, Ph.D., who has worked with me since November of 2015. I need our weekly sessions to aid me with the emotional complexities of PTSD. I have attended state-issued Independent Medical Evaluations (IME) for my injuries especially for the PTSD, and these evaluations all indicated that my PTSD is real and warrants treatment. Any person who falls into a subway track during rush hour and lies on a track until someone pulls them out right before an oncoming train approach would need to address PTSD.

Unfortunately, despite the need for my PTSD treatment, the Worker's Compensation Board has not paid Dr. Stedman since December of 2022. She has submitted claims each month during 2023 and 2024 and she has not received any payment for her services and/or a letter of explanation addressing the reasons for denying the payments. Additionally, I have not personally received any update regarding as to why they are not paying for these crucial life needed services. In addition, I have not received any request for an IME. Now, I have to worry about paying for a large outstanding psychological bill.

I am suffering, and I am a professional working for the rights and inclusion for the disabled and, as I am being treated this way, I am worried about those who feel as if they do not have a voice to address their concerns. The bureaucratic need to find an attorney to properly fight for you to receive treatment can be daunting. I find myself faced with that same endeavor. When you are not feeling your best, it takes energy and time away from the road to recovery to get well. It is laborious to address the systemic barrier of having to fight to receive justified treatment.

Undergoing this experience with the Worker's Compensation Board has taught me about the systemic barriers and problems that are present. Now is the time to make changes to this program to improve the lives of injured workers. The following suggestions are made in hopes of reforming this program:

1. It is arduous to find competent psychologists to treat PTSD who take the financial payment issued by the Worker's Compensation Board. It is time to increase the reimbursement rates and have parity with comprehensive reimbursement rates. This will allow for an increase of psychological practitioners who will take cases from the Worker's Compensation Board.

2. There needs to be greater vetting of culturally competent psychologists who will treat injured workers.
3. The bureaucratic roadblock that prevents psychological clinicians from receiving their payments on time must be addressed without delay. The injured worker should not have to worry that she or he will be dropped from treatment if the clinician does not receive payment from the Worker's Compensation Board or worry about having to pay out-of-pocket for psychological treatment.
4. The Worker's Compensation Board needs to provide payment for chronic injuries and help injured workers who rely on psychological and physical treatment to just maintain their baseline level of functioning. That injured worker may never fully recover to what she or he was before the injury. Nevertheless, their maximum baseline level of functioning is just as important to achieve if there is no other alternative.
5. The role of having to find an attorney to fight for the injured worker can be arduous. All injured workers should have the right to receive treatment based on their injuries sustained on the job.

Please take my comments and recommendations into consideration as you review changing and reforming policies and procedures for this essential program. Thank you for your time.

Sincerely,

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