

4321

2009-2010 Regular Sessions

I N S E N A T E

April 22, 2009

Introduced by Sen. BRESLIN -- read twice and ordered printed, and when printed to be committed to the Committee on Insurance

AN ACT to amend the insurance law, in relation to physical therapy services

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 Section 1. Paragraph 23 of subsection (i) of section 3216 of the
2 insurance law, as added by chapter 593 of the laws of 2000, is amended
3 to read as follows:
4 (23) If a policy provides for reimbursement for physical and occupa-
5 tional therapy service which is within the lawful scope of practice of a
6 duly licensed physical or occupational therapist, an insured shall be
7 entitled to reimbursement for such service whether the said service is
8 performed by a physician or through a duly licensed physical or occupa-
9 tional therapist, provided however, that nothing contained herein shall
10 be construed to impair any terms of such policy including appropriate
11 utilization review and the requirement that said service be performed
12 pursuant to a medical order, or a similar or related service of a physi-
13 cian PROVIDED THAT SUCH TERMS SHALL NOT IMPOSE DIFFERENT DEDUCTIBLES,
14 CO-PAYMENTS OR CO-INSURANCE AMOUNTS ON THE BASIS OF THE SETTING IN WHICH
15 SUCH PHYSICAL THERAPY SERVICES ARE RENDERED OR WHETHER THE SERVICES ARE
16 PERFORMED BY A PHYSICAL THERAPIST OR PHYSICIAN.
17 S 2. Paragraph 1 of subsection (f) of section 4235 of the insurance
18 law, as amended by chapter 593 of the laws of 2000, is amended to read
19 as follows:
20 (1) Any policy of group accident, group health or group accident and
21 health insurance may include provisions for the payment by the insurer
22 of benefits for expenses incurred on account of hospital, medical or
23 surgical care or physical and occupational therapy by licensed physical
24 and occupational therapists upon the prescription or referral of a
25 physician for the employee or other member of the insured group, his

EXPLANATION--Matter in *ITALICS* (underscored) is new; matter in brackets
[] is old law to be omitted.

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1 spouse, his child or children, or other persons chiefly dependent upon
2 him for support and maintenance; provided that a policy under which
3 coverage of a dependent of an employee or other member of the insured
4 group terminates at a specified age shall not so terminate with respect
5 to an unmarried child who is incapable of self-sustaining employment by
6 reason of mental illness, developmental disability, mental retardation,
7 as defined in the mental hygiene law, or physical handicap and who
8 became so incapable prior to attainment of the age at which dependent
9 coverage would otherwise terminate and who is chiefly dependent upon
10 such employee or member for support and maintenance, while the insurance
11 of the employee or member remains in force and the dependent remains in
12 such condition, if the insured employee or member has within thirty-one
13 days of such dependent's attainment of the termination age submitted
14 proof of such dependent's incapacity as described herein. NO POLICY OF
15 GROUP ACCIDENT, GROUP HEALTH OR GROUP ACCIDENT AND HEALTH INSURANCE
16 SHALL IMPOSE DIFFERENT DEDUCTIBLES, CO-PAYMENTS OR CO-INSURANCE AMOUNTS
17 ON THE BASIS OF THE SETTING IN WHICH SUCH PHYSICAL THERAPY SERVICES ARE
18 RENDERED OR WHETHER THE SERVICES ARE PERFORMED BY A PHYSICAL THERAPIST
19 OR PHYSICIAN.

20 S 3. Subparagraph (A) of paragraph 4 of subsection (f) of section 4235
21 of the insurance law, as amended by chapter 593 of the laws of 2000, is
22 amended to read as follows:

23 (A) any physical and occupational therapy service which is within the
24 lawful scope of practice of a licensed physical and occupational thera-
25 pist, a subscriber to such policy shall be entitled to reimbursement for
26 such service, whether the said service is performed by a physician or
27 licensed physical and occupational therapist pursuant to prescription or
28 referral by a physician; AND A POLICY OF GROUP ACCIDENT, GROUP HEALTH OR
29 GROUP ACCIDENT AND HEALTH INSURANCE SHALL NOT IMPOSE DIFFERENT DEDUCT-
30 IBLES, CO-PAYMENTS OR CO-INSURANCE AMOUNTS ON THE BASIS OF THE SETTING
31 IN WHICH SUCH PHYSICAL THERAPY SERVICES ARE RENDERED OR WHETHER THE
32 SERVICES ARE PERFORMED BY A PHYSICAL THERAPIST OR PHYSICIAN.

33 S 4. Subparagraph (G) of paragraph 1 of subsection (b) of section 4301
34 of the insurance law, as amended by chapter 593 of the laws of 2000, is
35 amended to read as follows:

36 (G) physical and occupational therapy care provided through licensed
37 physical and occupational therapists upon the prescription of a physi-
38 cian AND ANY CO-PAYMENTS, DEDUCTIBLES, OR CO-INSURANCE AMOUNTS RELATED
39 TO REIMBURSEMENT FOR PHYSICAL THERAPY SERVICES SHALL NOT DIFFER ON THE
40 BASIS OF THE SETTING IN WHICH SUCH PHYSICAL THERAPY SERVICES ARE
41 RENDERED OR WHETHER THE SERVICES ARE PERFORMED BY A PHYSICAL THERAPIST
42 OR PHYSICIAN,

43 S 5. Paragraph 13 of subsection (b) of section 4322 of the insurance
44 law, as added by chapter 504 of the laws of 1995, is amended to read as
45 follows:

46 (13) Outpatient physical therapy up to ninety visits per condition per
47 calendar year AND ANY CO-PAYMENTS, DEDUCTIBLES OR CO-INSURANCE AMOUNTS
48 RELATED TO REIMBURSEMENT OF PHYSICAL THERAPY SERVICES SHALL NOT DIFFER
49 ON THE BASIS OF THE SETTING IN WHICH SUCH PHYSICAL THERAPY SERVICES ARE
50 RENDERED OR WHETHER THE SERVICES ARE PERFORMED BY A PHYSICAL THERAPIST
51 OR PHYSICIAN.

52 S 6. This act shall take effect on the one hundred eightieth day after
53 it shall have become a law.