

2319

2013-2014 Regular Sessions

I N S E N A T E

January 15, 2013

Introduced by Sen. DeFRANCISCO -- 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 CO-PAYMENTS IN EXCESS OF
14 TWENTY PERCENT OF THE TOTAL REIMBURSEMENT TO THE PROVIDER OF CARE.

15 S 2. Subparagraph (A) of paragraph 1 of subsection (f) of section 4235
16 of the insurance law, as amended by chapter 219 of the laws of 2011, is
17 amended to read as follows:

18 (A) Any policy of group accident, group health or group accident and
19 health insurance may include provisions for the payment by the insurer
20 of benefits for expenses incurred on account of hospital, medical or
21 surgical care or physical and occupational therapy by licensed physical
22 and occupational therapists upon the prescription or referral of a
23 physician for the employee or other member of the insured group, the
24 employee's or member's spouse, the employee's or member's child or chil-

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

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1 dren, or other persons chiefly dependent upon the employee or member for
2 support and maintenance; provided that:

3 (i) a policy of hospital, medical, surgical, or prescription drug
4 expense insurance that provides coverage for children shall provide such
5 coverage to a married or unmarried child until attainment of age twen-
6 ty-six, without regard to financial dependence, residency with the
7 employee or member, student status, or employment, except a policy that
8 is a grandfathered health plan may, for plan years beginning before
9 January first, two thousand fourteen, exclude coverage of an adult child
10 under age twenty-six who is eligible to enroll in an employer-sponsored
11 health plan other than a group health plan of a parent. For purposes of
12 this item, "grandfathered health plan" means coverage provided by an
13 insurer in which an individual was enrolled on March twenty-third, two
14 thousand ten for as long as the coverage maintains grandfathered status
15 in accordance with section 1251(e) of the Affordable Care Act, 42 U.S.C.
16 S 18011(e); and

17 (ii) a policy under which coverage terminates at a specified age shall
18 not so terminate with respect to an unmarried child who is incapable of
19 self-sustaining employment by reason of mental illness, developmental
20 disability, mental retardation, as defined in the mental hygiene law, or
21 physical handicap and who became so incapable prior to attainment of the
22 age at which coverage would otherwise terminate and who is chiefly
23 dependent upon such employee or member for support and maintenance,
24 while the insurance of the employee or member remains in force and the
25 child remains in such condition, if the insured employee or member has
26 within thirty-one days of such child's attainment of the termination age
27 submitted proof of such child's incapacity as described herein. NO
28 POLICY OF GROUP ACCIDENT, GROUP HEALTH OR GROUP ACCIDENT AND HEALTH
29 INSURANCE SHALL IMPOSE CO-PAYMENTS IN EXCESS OF TWENTY PERCENT OF THE
30 TOTAL REIMBURSEMENT TO THE PROVIDER OF CARE.

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

34 (A) any physical and occupational therapy service which is within the
35 lawful scope of practice of a licensed physical and occupational thera-
36 pist, a subscriber to such policy shall be entitled to reimbursement for
37 such service, whether the said service is performed by a physician or
38 licensed physical and occupational therapist pursuant to prescription or
39 referral by a physician; AND A POLICY OF GROUP ACCIDENT, GROUP HEALTH OR
40 GROUP ACCIDENT AND HEALTH INSURANCE SHALL NOT IMPOSE CO-PAYMENTS IN
41 EXCESS OF TWENTY PERCENT OF THE TOTAL REIMBURSEMENT TO THE PROVIDER OF
42 CARE;

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

46 (G) physical and occupational therapy care provided through licensed
47 physical and occupational therapists upon the prescription of a physi-
48 cian AND ANY CO-PAYMENTS RELATED TO REIMBURSEMENT FOR PHYSICAL THERAPY
49 SERVICES SHALL NOT EXCEED TWENTY PERCENT OF THE TOTAL REIMBURSEMENT TO
50 THE PROVIDER OF CARE,

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

54 (13) Outpatient physical therapy up to ninety visits per condition per
55 calendar year AND ANY CO-PAYMENTS RELATED TO REIMBURSEMENT FOR PHYSICAL

1 THERAPY SERVICES SHALL NOT EXCEED TWENTY PERCENT OF THE TOTAL REIMBURSE-
2 MENT TO THE PROVIDER OF CARE.
3 S 6. This act shall take effect on the one hundred eightieth day after
4 it shall have become a law.