STATE OF NEW YORK

11673

IN ASSEMBLY

September 2, 2026

Introduced by COMMITTEE ON RULES -- (at request of M. of A. Weprin) -- read once and referred to the Committee on Insurance

AN ACT to amend the insurance law, in relation to prohibiting the termination of coverage for rehabilitation services solely because of a failure to demonstrate measurable improvement in the applicable condition

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section 4903 of the insurance law is amended by adding a new subsection (j) to read as follows:

(j) (1) A utilization review agent shall not issue an adverse determination denying, reducing, or terminating coverage for medically necessary skilled rehabilitation services solely because the insured or enrollee has failed to demonstrate measurable improvement in the insured's or enrollee's condition.

(2) For purposes of this subsection, medically necessary skilled rehabilitation services may include physical therapy, occupational therapy, speech-language pathology services, pulmonary rehabilitation, cardiac rehabilitation, and other rehabilitative services performed by a licensed health care professional acting within the scope of their practice.

(3) A utilization review agent shall consider whether continued skilled services are reasonably expected to:

(i) maintain the insured's or enrollee's current level of function;

(ii) prevent or slow deterioration in functional capacity;

(iii) reduce pain or other symptoms that impair activities of daily living;

(iv) prevent hospitalization, institutionalization, surgery, or other more intensive medical intervention; or

(v) permit the safe performance of a maintenance program requiring the specialized clinical judgment or skills of a licensed health care professional.

(4) An adverse determination shall not be based solely upon a finding that the insured or enrollee has reached a plateau, has failed to demon-

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

LBD16271-01-6

strate objective improvement, or has a chronic, progressive, or degenerative condition.

(5) Nothing in this subsection shall be construed to require coverage for services that are not otherwise medically necessary or that do not require the specialized knowledge, clinical judgment, or skills of a licensed health care professional.

§ 2. This act shall take effect immediately.