

4321--A

2009-2010 Regular Sessions

I N S E N A T E

April 22, 2009

Introduced by Sens. BRESLIN, ALESI, DIAZ, DILAN, ESPADA, GOLDEN, HASSELL-THOMPSON, PARKER -- read twice and ordered printed, and when printed to be committed to the Committee on Insurance -- recommitted to the Committee on Insurance in accordance with Senate Rule 6, sec. 8 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

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 240 of the laws of 2009, 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

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

LBD11213-02-0

1 and occupational therapists upon the prescription or referral of a  
2 physician for the employee or other member of the insured group, his  
3 spouse, his child or children, or other persons chiefly dependent upon  
4 him for support and maintenance; provided that a policy under which  
5 coverage of a dependent of an employee or other member of the insured  
6 group terminates at a specified age shall not so terminate with respect  
7 to an unmarried child who is incapable of self-sustaining employment by  
8 reason of mental illness, developmental disability, mental retardation,  
9 as defined in the mental hygiene law, or physical handicap and who  
10 became so incapable prior to attainment of the age at which dependent  
11 coverage would otherwise terminate and who is chiefly dependent upon  
12 such employee or member for support and maintenance, while the insurance  
13 of the employee or member remains in force and the dependent remains in  
14 such condition, if the insured employee or member has within thirty-one  
15 days of such dependent's attainment of the termination age submitted  
16 proof of such dependent's incapacity as described herein. NO POLICY OF  
17 GROUP ACCIDENT, GROUP HEALTH OR GROUP ACCIDENT AND HEALTH INSURANCE  
18 SHALL IMPOSE CO-PAYMENTS IN EXCESS OF TWENTY PERCENT OF THE TOTAL  
19 REIMBURSEMENT TO THE PROVIDER OF CARE.

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 CO-PAYMENTS IN  
30 EXCESS OF TWENTY PERCENT OF THE TOTAL REIMBURSEMENT TO THE PROVIDER OF  
31 CARE;

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

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

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

43 (13) Outpatient physical therapy up to ninety visits per condition per  
44 calendar year AND ANY CO-PAYMENTS RELATED TO REIMBURSEMENT FOR PHYSICAL  
45 THERAPY SERVICES SHALL NOT EXCEED TWENTY PERCENT OF THE TOTAL REIMBURSE-  
46 MENT TO THE PROVIDER OF CARE.

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