STATE OF NEW YORK

10535

IN ASSEMBLY

May 4, 2018

Introduced by M. of A. ZEBROWSKI, BENEDETTO, COLTON, WEPRIN, RYAN, MAGNARELLI, L. ROSENTHAL, LIFTON, STIRPE, OTIS, CYMBROWITZ, JOHNS, BLANKENBUSH, CAHILL, BRABENEC, BUCHWALD, TITONE, GOTTFRIED, CASTORINA, LALOR, MALLIOTAKIS, HUNTER, LENTOL, AUBRY, PALMESANO -- Multi-Sponsored by -- M. of A. ABBATE, ABINANTI, ARROYO, CROUCH, DILAN, DINOWITZ, GOODELL, HAWLEY, HEVESI, JENNE, LAWRENCE, LUPARDO, McDONALD, McDONOUGH, MURRAY, RA, RAIA, RIVERA, SIMON, THIELE, WALTER, WOERNER, WRIGHT -- read once and referred to the Committee on Labor

AN ACT to amend the workers' compensation law, in relation to physical therapy care provided through the workers' compensation system

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

Section 1. Paragraph (d) of subdivision 1 of section 13-b of the workers' compensation law, as amended by chapter 473 of the laws of 2000, is amended to read as follows:

(d) Upon the referral which may be directive as to treatment of an authorized physician physical therapy care may be rendered by a duly licensed physical therapist **or by a certified physical therapist assistant, provided that a certified physical therapist assistant shall work under the supervision of a licensed physical therapist performing such patient related activities as are assigned by the supervising physical therapist pursuant to article one hundred thirty-six of the education law**. Where physical therapy care is rendered records of the patient's condition and progress, together with records of instruction for treatment, if any, shall be maintained by the physical therapist and physician. **Physical therapists must co-sign physical therapist assistant treatment notes.** Said records shall be submitted to the chair on such forms and at such times as the chair may require. **Care provided by a licensed physical therapist or a certified physical therapist assistant shall be in accordance with article one hundred thirty-six of the education law. The chair, in consultation with the board's medical director, shall review physical therapy service codes to determine the appropriateness of modifiers, if any, based on the practitioner rendering the service and shall implement modifiers as appropriate. A certified phys-**

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

LBD07797-08-8

ical therapist assistant shall not be authorized to perform independent medical examinations.

§ 2. This act shall take effect on the sixtieth day after it shall have become a law.