

# STATE OF NEW YORK

569--A

2017-2018 Regular Sessions

## IN ASSEMBLY

January 9, 2017

Introduced by M. of A. CAHILL, SKOUFIS, BLANKENBUSH, RIVERA, FAHY, BARRETT, WEPRIN, TITONE, BRABENEC, MURRAY, SANTABARBARA, LALOR, MOYA, HUNTER, CASTORINA, MALLIOTAKIS -- Multi-Sponsored by -- M. of A. ABBATE, ABINANTI, ARROYO, BENEDETTO, BRAUNSTEIN, BRINDISI, COLTON, CRESPO, CROUCH, CUSICK, CYMBROWITZ, DINOWITZ, ENGLEBRIGHT, FARRELL, GALEF, GARBARINO, GIGLIO, GOTTFRIED, GRAF, GUNTHER, HAWLEY, HEVESI, HOOPER, JAFFEE, JENNE, KAVANAGH, LENTOL, LIFTON, LOPEZ, LUPARDO, LUPI-NACCI, MAGEE, MAGNARELLI, McDONALD, McDONOUGH, McKEVITT, McLAUGHLIN, MOSLEY, OTIS, PAULIN, PEOPLES-STOKES, PERRY, PRETLOW, QUART, RAIA, RAMOS, ROSENTHAL, SEPULVEDA, SIMANOWITZ, SIMON, STEC, STECK, STIRPE, THIELE, WALTER, WOERNER, ZEBROWSKI -- read once and referred to the Committee on Insurance -- 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. An insurer shall not impose a copayment or coinsurance amount  
14 charged to the insured for services rendered for each date of service by

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

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1 a physical therapist licensed under article one hundred thirty-six of  
2 the education law or an occupational therapist licensed under article  
3 one hundred fifty-six of the education law that is greater than the  
4 copayment or coinsurance amount imposed on the insured for services  
5 provided to the insured for an office visit for the service of a  
6 licensed primary care physician or osteopath for the same or a similar  
7 diagnosed condition even if a different nomenclature is used to describe  
8 the condition for which the services are provided.

9 § 2. Subparagraph (A) of paragraph 1 of subsection (f) of section 4235  
10 of the insurance law is amended by adding a new clause (iii) to read as  
11 follows:

12 (iii) a policy shall not impose a copayment or coinsurance amount  
13 charged to the insured for services rendered for each date of service by  
14 a physical therapist licensed under article one hundred thirty-six of  
15 the education law or an occupational therapist licensed under article  
16 one hundred fifty-six of the education law that is greater than the  
17 copayment or coinsurance amount imposed on the insured for services  
18 provided to the insured for an office visit for the service of a  
19 licensed primary care physician or osteopath for the same or a similar  
20 diagnosed condition even if a different nomenclature is used to describe  
21 the condition for which the services are provided.

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

25 (A) any physical and occupational therapy service which is within the  
26 lawful scope of practice of a licensed physical and occupational thera-  
27 pist, a subscriber to such policy shall be entitled to reimbursement for  
28 such service, whether the said service is performed by a physician or  
29 licensed physical and occupational therapist pursuant to prescription or  
30 referral by a physician. A policy shall not impose a copayment or coin-  
31 surance amount charged to the insured for services rendered for each  
32 date of service by a physical therapist licensed under article one  
33 hundred thirty-six of the education law or an occupational therapist  
34 licensed under article one hundred fifty-six of the education law that  
35 is greater than the copayment or coinsurance amount imposed on the  
36 insured for services provided to the insured for an office visit for the  
37 service of a licensed primary care physician or osteopath for the same  
38 or a similar diagnosed condition even if a different nomenclature is  
39 used to describe the condition for which the services are provided;

40 § 4. Subparagraph (G) of paragraph 1 of subsection (b) of section 4301  
41 of the insurance law, as amended by chapter 593 of the laws of 2000, is  
42 amended to read as follows:

43 (G) physical and occupational therapy care provided through licensed  
44 physical and occupational therapists upon the prescription of a physi-  
45 cian, provided, however, that no copayment or coinsurance amount charged  
46 to the insured for services rendered for each date of service by a phys-  
47 ical therapist licensed under article one hundred thirty-six of the  
48 education law or an occupational therapist licensed under article one  
49 hundred fifty-six of the education law is greater than the copayment or  
50 coinsurance amount imposed on the insured for services provided to the  
51 insured for an office visit for the service of a licensed primary care  
52 physician or osteopath for the same or a similar diagnosed condition  
53 even if a different nomenclature is used to describe the condition for  
54 which the services are provided,

1 § 5. Paragraph 13 of subsection (b) of section 4322 of the insurance  
2 law, as added by chapter 504 of the laws of 1995, is amended to read as  
3 follows:

4 (13) Outpatient physical therapy up to ninety visits per condition per  
5 calendar year, provided, however, that no copayment or coinsurance  
6 amount charged to the insured for services rendered for each date of  
7 service by a physical therapist licensed under article one hundred thir-  
8 ty-six of the education law or an occupational therapist licensed under  
9 article one hundred fifty-six of the education law is greater than the  
10 copayment or coinsurance amount imposed on the insured for services  
11 provided to the insured for an office visit for the service of a  
12 licensed primary care physician or osteopath for the same or a similar  
13 diagnosed condition even if a different nomenclature is used to describe  
14 the condition for which the services are provided.

15 § 6. This act shall take effect on the one hundred eightieth day after  
16 it shall have become a law.