

STATE OF NEW YORK

7443

2019-2020 Regular Sessions

IN ASSEMBLY

May 3, 2019

Introduced by M. of A. PICHARDO, ZEBROWSKI -- read once and referred to the Committee on Higher Education

AN ACT to amend the education law, in relation to removing limits on the duration of treatment by a licensed physical therapist when a patient does not have a referral

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

1 Section 1. Subdivision d of section 6731 of the education law, as
2 amended by chapter 389 of the laws of 2007, is amended to read as
3 follows:

4 d. Such treatment may be rendered by a licensed physical therapist
5 [~~for ten visits or thirty days, whichever shall occur first,~~] without a
6 referral from a physician, dentist, podiatrist, nurse practitioner or
7 licensed midwife provided that:

8 (1) [~~The licensed physical therapist has practised physical therapy on~~
9 ~~a full time basis equivalent to not less than three years.~~] The physical
10 therapist will refer the patient to the appropriate licensed profes-
11 sional if symptoms are present of which physical therapy is contraindi-
12 cated or which symptoms are indicative of conditions for which treatment
13 is outside the scope of the practice of physical therapy;

14 (2) If the patient has a primary care licensed provider or other
15 treating physician, the physical therapist provides ongoing communi-
16 cation with that professional during the course of treatment; and

17 (3) Each physical therapist licensed pursuant to this article shall
18 provide written notice to each patient receiving treatment absent a
19 referral from a physician, dentist, podiatrist, nurse practitioner or
20 licensed midwife that physical therapy may not be covered by the
21 patient's health care plan or insurer without such a referral and that
22 such treatment may be a covered expense if rendered pursuant to a refer-
23 ral. The physical therapist shall keep on file with the patient's
24 records a form attesting to the patient's notice of such advice. Such

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

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1 form shall be in duplicate, with one copy to be retained by the patient,
2 signed and dated by both the physical therapist and the patient in such
3 form as prescribed pursuant to regulations promulgated by the commis-
4 sioner.

5 § 2. This act shall take effect on the one hundred eightieth day after
6 it shall have become a law. Effective immediately, the addition, amend-
7 ment and/or repeal of any rule or regulation necessary for the implemen-
8 tation of this act on its effective date are authorized and directed to
9 be made and completed on or before such effective date.