STATE OF NEW YORK

7498--A

2019-2020 Regular Sessions

IN ASSEMBLY

May 7, 2019

Introduced by M. of A. WOERNER, DICKENS, McDONALD, D'URSO, BRABENEC, DeSTEFANO, GOTTFRIED -- read once and referred to the Committee on Labor -- recommitted to the Committee on Labor in accordance with Assembly Rule 3, sec. 2 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the workers' compensation law, in relation to including coverage of treatment rendered by a massage therapist

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

Section 1. Paragraph (m) of subdivision 1 of section 13-b of the workers' compensation law, as added by section 1 of part CC of chapter 55 of the laws of 2019, is amended and a new paragraph (f-1) is added to read as follows:

(f-1) "Massage therapist" shall mean licensed and having completed a formal course of study and having passed an examination in accordance with the education law, the regulations of the commissioner of education, and the requirements of the board of regents.

(m) "Provider" shall mean a duly licensed acupuncturist, chiropractor, **massage therapist,** nurse practitioner, occupational therapist, physical therapist, physician, physician assistant, podiatrist, psychologist, or social worker authorized by the chair.

§ 2. Paragraphs (d) and (e) of subdivision 2 of section 13-b of the workers' compensation law, as added by section 1 of part CC of chapter 55 of the laws of 2019, are amended to read as follows:

(d) Upon the prescription or referral of an authorized physician, physician assistant, podiatrist, or nurse practitioner acting within the scope of his or her practice, care or treatment may be rendered to an injured employee by an authorized physical therapist, occupational therapist [~~or~~], acupuncturist **or massage therapist** provided the conditions and the treatment performed are among the conditions that the physical therapist, occupational therapist [~~or~~], acupuncturist **or massage thera-**

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

LBD11388-03-0

pist is authorized to treat pursuant to the education law or the regulations of the commissioner of education. Where any such care or treatment 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, occupational therapist [or], acupuncturist or massage therapist rendering treatment and by the referring physician, physician assistant, podiatrist, or nurse practitioner. Said records shall be submitted to the chair on forms and at such times as the chair may require.

(e) A record, report or opinion of a physical therapist, occupational therapist, acupuncturist, massage therapist or physician assistant shall not be considered as evidence of the causal relationship of any condition to a work related accident or occupational disease under this chapter. Nor may a record, report or opinion of a physical therapist, occupational therapist [or], acupuncturist or massage therapist be considered evidence of disability. Nor may a record, report or opinion of a physician assistant be considered evidence of the presence of a permanent or initial disability or the degree thereof.

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