

# STATE OF NEW YORK

5974

2021-2022 Regular Sessions

## IN ASSEMBLY

March 4, 2021

Introduced by M. of A. PICHARDO, ZEBROWSKI, ABINANTI, CYMBROWITZ, B. MILLER, SAYEGH, DICKENS, J. RIVERA, THIELE, BLANKENBUSH, COOK, GOTTFRIED, PAULIN, SEAWRIGHT, BUTTENSCHON, GRIFFIN, NIOU -- Multi-Sponsored by -- M. of A. DE LA ROSA, SIMON -- 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 practiced 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

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

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1 such treatment may be a covered expense if rendered pursuant to a refer-  
2 ral. The physical therapist shall keep on file with the patient's  
3 records a form attesting to the patient's notice of such advice. Such  
4 form shall be in duplicate, with one copy to be retained by the patient,  
5 signed and dated by both the physical therapist and the patient in such  
6 form as prescribed pursuant to regulations promulgated by the commis-  
7 sioner.

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