

# STATE OF NEW YORK

3562

2021-2022 Regular Sessions

## IN SENATE

January 30, 2021

Introduced by Sens. BRESLIN, BROOKS, COMRIE, GALLIVAN, GAUGHRAN, HELMING, JORDAN, KENNEDY, MAY, PARKER, SEPULVEDA -- read twice and ordered printed, and when printed to be committed to the Committee on Insurance

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  
15 a physical therapist licensed under article one hundred thirty-six of  
16 the education law or an occupational therapist licensed under article  
17 one hundred fifty-six of the education law that is greater than the  
18 copayment or coinsurance amount imposed on the insured for services  
19 provided to the insured for an office visit for the service of a  
20 licensed primary care physician or osteopath for the same or a similar  
21 diagnosed condition even if a different nomenclature is used to describe  
22 the condition for which the services are provided.

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

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

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

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

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

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

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

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

50 (13) Outpatient physical therapy up to ninety visits per condition per  
51 calendar year, provided, however, that no copayment or coinsurance  
52 amount charged to the insured for services rendered for each date of  
53 service by a physical therapist licensed under article one hundred thir-  
54 ty-six of the education law or an occupational therapist licensed under  
55 article one hundred fifty-six of the education law is greater than the  
56 copayment or coinsurance amount imposed on the insured for services

1 provided to the insured for an office visit for the service of a  
2 licensed primary care physician or osteopath for the same or a similar  
3 diagnosed condition even if a different nomenclature is used to describe  
4 the condition for which the services are provided.

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