

STATE OF NEW YORK

594

2021-2022 Regular Sessions

IN ASSEMBLY

(Prefiled)

January 6, 2021

Introduced by M. of A. CAHILL, BARRETT, BLANKENBUSH, DiPIETRO, FAHY, HUNTER, B. MILLER, J. RIVERA, SANTABARBARA, STECK, WEPRIN, CARROLL, BUTTENSCHON, MONTESANO -- Multi-Sponsored by -- M. of A. ABBATE, ABINANTI, BENEDETTO, BRAUNSTEIN, COLTON, CUSICK, CYMBROWITZ, DINOWITZ, ENGLEBRIGHT, GALEF, J. M. GIGLIO, GOTTFRIED -- read once and referred 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

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

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1 diagnosed condition even if a different nomenclature is used to describe
2 the condition for which the services are provided.

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

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

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

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

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

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

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

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

article one hundred fifty-six of the education law is greater than the copayment or coinsurance amount imposed on the insured for services provided to the insured for an office visit for the service of a licensed primary care physician or osteopath for the same or a similar diagnosed condition even if a different nomenclature is used to describe the condition for which the services are provided.

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