

# STATE OF NEW YORK

2138

2021-2022 Regular Sessions

## IN SENATE

January 20, 2021

Introduced by Sen. RAMOS -- read twice and ordered printed, and when printed to be committed to the Committee on Labor

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:

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

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

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

13 § 2. Paragraphs (d) and (e) of subdivision 2 of section 13-b of the  
14 workers' compensation law, as added by section 1 of part CC of chapter  
15 55 of the laws of 2019, are amended to read as follows:

16 (d) Upon the prescription or referral of an authorized physician,  
17 physician assistant, podiatrist, or nurse practitioner acting within the  
18 scope of his or her practice, care or treatment may be rendered to an  
19 injured employee by an authorized physical therapist, occupational ther-  
20 apist [~~or~~], acupuncturist or massage therapist provided the conditions  
21 and the treatment performed are among the conditions that the physical  
22 therapist, occupational therapist [~~or~~], acupuncturist or massage thera-  
23 pist is authorized to treat pursuant to the education law or the regu-  
24 lations of the commissioner of education. Where any such care or treat-  
25 ment is rendered, records of the patient's condition and progress,

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

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1 together with records of instruction for treatment, if any, shall be  
2 maintained by the physical therapist, occupational therapist ~~[ex]~~,  
3 acupuncturist or massage therapist rendering treatment and by the refer-  
4 ring physician, physician assistant, podiatrist, or nurse practitioner.  
5 Said records shall be submitted to the chair on forms and at such times  
6 as the chair may require.

7 (e) A record, report or opinion of a physical therapist, occupational  
8 therapist, acupuncturist, massage therapist or physician assistant shall  
9 not be considered as evidence of the causal relationship of any condi-  
10 tion to a work related accident or occupational disease under this chap-  
11 ter. Nor may a record, report or opinion of a physical therapist, occu-  
12 pational therapist ~~[ex]~~, acupuncturist or massage therapist be  
13 considered evidence of disability. Nor may a record, report or opinion  
14 of a physician assistant be considered evidence of the presence of a  
15 permanent or initial disability or the degree thereof.

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