STATE OF NEW YORK

3923

2021-2022 Regular Sessions

IN SENATE

February 1, 2021

Introduced by Sens. KENNEDY, GOUNARDES -- read twice and ordered printed, and when printed to be committed 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:

Section 1. Subdivision d of section 6731 of the education law, as amended by chapter 389 of the laws of 2007, is amended to read as follows:

d. Such treatment may be rendered by a licensed physical therapist [~~for ten visits or thirty days, whichever shall occur first,~~] without a referral from a physician, dentist, podiatrist, nurse practitioner or licensed midwife provided that:

(1) [~~The licensed physical therapist has practiced physical therapy on a full time basis equivalent to not less than three years.~~] **The physical therapist will refer the patient to the appropriate licensed professional if symptoms are present of which physical therapy is contraindicated or which symptoms are indicative of conditions for which treatment is outside the scope of the practice of physical therapy;**

(2) **If the patient has a primary care licensed provider or other treating physician, the physical therapist provides ongoing communication with that professional during the course of treatment; and**

(3) Each physical therapist licensed pursuant to this article shall provide written notice to each patient receiving treatment absent a referral from a physician, dentist, podiatrist, nurse practitioner or licensed midwife that physical therapy may not be covered by the patient's health care plan or insurer without such a referral and that such treatment may be a covered expense if rendered pursuant to a referral. The physical therapist shall keep on file with the patient's

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

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records a form attesting to the patient's notice of such advice. Such form shall be in duplicate, with one copy to be retained by the patient, signed and dated by both the physical therapist and the patient in such form as prescribed pursuant to regulations promulgated by the commissioner.

§ 2. This act shall take effect on the one hundred eightieth day after it shall have become a law. Effective immediately, the addition, amendment and/or repeal of any rule or regulation necessary for the implementation of this act on its effective date are authorized and directed to be made and completed on or before such effective date.