

# STATE OF NEW YORK

3361

2023-2024 Regular Sessions

## IN SENATE

January 31, 2023

Introduced by Sens. KENNEDY, GOUNARDES, MANNION, STEC -- 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:

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  
22 such treatment may be a covered expense if rendered pursuant to a refer-  
23 ral. 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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1 records a form attesting to the patient's notice of such advice. Such  
2 form shall be in duplicate, with one copy to be retained by the patient,  
3 signed and dated by both the physical therapist and the patient in such  
4 form as prescribed pursuant to regulations promulgated by the commis-  
5 sioner.  
6 § 2. This act shall take effect on the one hundred eightieth day after  
7 it shall have become a law. Effective immediately, the addition, amend-  
8 ment and/or repeal of any rule or regulation necessary for the implemen-  
9 tation of this act on its effective date are authorized and directed to  
10 be made and completed on or before such effective date.