

# STATE OF NEW YORK

6345

2023-2024 Regular Sessions

## IN ASSEMBLY

April 5, 2023

Introduced by M. of A. WEPRIN, BARRETT, BLANKENBUSH, DiPIETRO, FAHY, HUNTER, MILLER, RIVERA, SANTABARBARA, STECK, CARROLL, BUTTENSCHON, ZEBROWSKI, L. ROSENTHAL, WOERNER, THIELE, BRABENEC, STIRPE, LUPARDO -- Multi-Sponsored by -- M. of A. BENEDETTO, BRAUNSTEIN, COLTON, DINOWITZ, J. M. GIGLIO -- 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.

LBD05304-01-3

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

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

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