STATE OF NEW YORK

11220

IN ASSEMBLY

May 1, 2026

Introduced by M. of A. HYNDMAN -- read once and referred to the Committee on Higher Education

AN ACT to amend the education law, in relation to physical therapist assistants

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Subdivision c of section 6738 of the education law, as amended by chapter 511 of the laws of 2022, is amended to read as follows:

c. For the purposes of the provision of physical therapist assistant services in a home care services setting, as such services are defined in article thirty-six of the public health law, except that the home care services setting shall not include early intervention services as defined in title two-A of article twenty-five of the public health law, whether such services are provided by a home care services agency or under the supervision of a physical therapist licensed pursuant to this article, continuous supervision of a licensed physical therapist assistant, who has had direct clinical experience for a period of not less than two years, by a licensed physical therapist shall not be construed as requiring the physical presence of such licensed physical therapist at the time and place where such services are performed. For purposes of this subdivision "continuous supervision" shall be deemed to include: (i) the licensed physical therapist's setting of goals, establishing a plan of care and determining whether the patient is appropriate to receive the services of a licensed physical therapist assistant subject to the licensed physical therapist's evaluation; (ii) [~~an initial joint visit with the patient by the supervising licensed physical therapist and the licensed physical therapist assistant; (iii)~~] periodic treatment and evaluation of the patient by the supervising licensed physical therapist, as indicated in the plan of care and as determined in accordance with patient need, but in no instance shall the interval between such treatment exceed every six patient visits or thirty days, whichever occurs first; and [~~(iv)~~] **(iii)** a final evaluation by the supervising licensed physical therapist to determine if the plan of care shall be

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

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terminated. For purposes of this subdivision, the number of licensed physical therapist assistant's supervised in the home care services setting by a licensed physical therapist shall not exceed the ratio of two physical therapist assistants to one licensed physical therapist.

§ 2. Paragraph 1 of subdivision d of section 6738 of the education law, as amended by chapter 511 of the laws of 2022, is amended to read as follows:

(1) For purposes of the provision of licensed physical therapist assistant services in public primary or private primary or secondary schools and for preschool children, as that term is defined in paragraph i of subdivision one of section forty-four hundred ten of this chapter, and receiving services thereunder, continuous supervision of a licensed physical therapist assistant, who has direct clinical experience providing age appropriate physical therapy services for a period of not less than two years, by a licensed physical therapist shall not be construed as requiring the physical presence of such licensed physical therapist at the time and place where such services are performed. For purposes of this subdivision "continuous supervision" shall be deemed to include:

(i) the licensed physical therapist's setting of the goals, establishing a plan of care, determining on an initial and ongoing basis whether the patient is appropriate to receive the services of a licensed physical therapist assistant, determining the frequency of joint visits with the patient by both the supervising licensed physical therapist and the licensed physical therapist assistant, except that in no instance shall the interval, between joint visits, be more than every ninety calendar days, subject to the licensed physical therapist's evaluation;

(ii) [~~an initial joint visit with the patient by the supervising licensed physical therapist and licensed physical therapist assistant;~~ ~~(iii)~~] periodic treatment and evaluation of the patient by the supervising licensed physical therapist as indicated in the plan of care and as determined in accordance with patient need, except that in no instance shall the interval between such treatment exceed every twelfth visit or thirty days which ever occurs first; and

[~~(iv)~~] **(iii)** notification of the supervising licensed physical therapist by the licensed physical therapist assistant whenever there is a change in status, condition or performance of the patient.

§ 3. This act shall take effect one year after it shall have become a law provided, however, that the amendments to subdivisions c and d of section 6738 of the education law made by sections one and two of this act shall not affect the repeal of such subdivisions and shall be deemed repealed therewith.