

STATE OF NEW YORK

5045--A

Cal. No. 584

2025-2026 Regular Sessions

IN SENATE

February 18, 2025

Introduced by Sens. BAILEY, ASHBY, COMRIE, GALLIVAN, GRIFFO, HELMING, MAY, PARKER, SEPULVEDA, STEC -- read twice and ordered printed, and when printed to be committed to the Committee on Insurance -- reported favorably from said committee, ordered to first and second report, ordered to a third reading, amended and ordered reprinted, retaining its place in the order of third reading

AN ACT to amend the insurance law, in relation to physical and occupational 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. Any copayment or coinsurance amount charged by an insurer to the
14 insured for services rendered by a physical therapist licensed under
15 article one hundred thirty-six of the education law or an occupational
16 therapist licensed under article one hundred fifty-six of the education
17 law shall not be more than twenty-five percent greater than the copay-
18 ment or coinsurance amount imposed for an office visit to a licensed
19 primary care physician or osteopath for the same or a similar diagnosed
20 condition.

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

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1 § 2. Subparagraph (A) of paragraph 1 of subsection (f) of section 4235
2 of the insurance law is amended by adding a new clause (iii) to read as
3 follows:

4 (iii) a policy shall not impose a copayment or coinsurance amount
5 charged to the insured for services rendered by a physical therapist
6 licensed under article one hundred thirty-six of the education law or an
7 occupational therapist licensed under article one hundred fifty-six of
8 the education law that is more than twenty-five percent greater than the
9 copayment or coinsurance amount imposed for an office visit to a
10 licensed primary care physician or osteopath for the same or a similar
11 diagnosed condition.

12 § 3. Subparagraph (A) of paragraph 4 of subsection (f) of section 4235
13 of the insurance law, as amended by chapter 593 of the laws of 2000, is
14 amended to read as follows:

15 (A) any physical and occupational therapy service which is within the
16 lawful scope of practice of a licensed physical and occupational thera-
17 pist, a subscriber to such policy shall be entitled to reimbursement for
18 such service, whether the said service is performed by a physician or
19 licensed physical and occupational therapist pursuant to prescription or
20 referral by a physician. A policy shall not impose a copayment or coin-
21 surance amount charged to the insured for services rendered by a phys-
22 ical therapist licensed under article one hundred thirty-six of the
23 education law or an occupational therapist licensed under article one
24 hundred fifty-six of the education law that is more than twenty-five
25 percent greater than the copayment or coinsurance amount imposed for an
26 office visit to a licensed primary care physician or osteopath for the
27 same or a similar diagnosed condition;

28 § 4. Subparagraph (G) of paragraph 1 of subsection (b) of section 4301
29 of the insurance law, as amended by chapter 593 of the laws of 2000, is
30 amended to read as follows:

31 (G) physical and occupational therapy care provided through licensed
32 physical and occupational therapists upon the prescription of a physi-
33 cian, provided, however, that no copayment or coinsurance amount charged
34 to the insured for services rendered by a physical therapist licensed
35 under article one hundred thirty-six of the education law or an occupa-
36 tional therapist licensed under article one hundred fifty-six of the
37 education law shall be more than twenty-five percent greater than the
38 copayment or coinsurance amount imposed for an office visit to a
39 licensed primary care physician or osteopath for the same or a similar
40 diagnosed condition,

41 § 5. Paragraph 13 of subsection (b) of section 4322 of the insurance
42 law, as added by chapter 504 of the laws of 1995, is amended to read as
43 follows:

44 (13) Outpatient physical therapy up to ninety visits per condition per
45 calendar year, provided, however, that no copayment or coinsurance
46 amount charged to the insured for services rendered by a physical thera-
47 pist licensed under article one hundred thirty-six of the education law
48 or an occupational therapist licensed under article one hundred fifty-
49 six of the education law shall be more than twenty-five percent greater
50 than the copayment or coinsurance amount imposed for an office visit to
51 a licensed primary care physician or osteopath for the same or a similar
52 diagnosed condition.

53 § 6. This act shall take effect January 1, 2027.