

# STATE OF NEW YORK

9997

## IN SENATE

April 21, 2026

Introduced by Sen. STAVISKY -- 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 physical therapist assistants

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

1 Section 1. Subdivision c of section 6738 of the education law, as  
2 amended by chapter 511 of the laws of 2022, is amended to read as  
3 follows:  
4 c. For the purposes of the provision of physical therapist assistant  
5 services in a home care services setting, as such services are defined  
6 in article thirty-six of the public health law, except that the home  
7 care services setting shall not include early intervention services as  
8 defined in title two-A of article twenty-five of the public health law,  
9 whether such services are provided by a home care services agency or  
10 under the supervision of a physical therapist licensed pursuant to this  
11 article, continuous supervision of a licensed physical therapist assist-  
12 ant, who has had direct clinical experience for a period of not less  
13 than two years, by a licensed physical therapist shall not be construed  
14 as requiring the physical presence of such licensed physical therapist  
15 at the time and place where such services are performed. For purposes of  
16 this subdivision "continuous supervision" shall be deemed to include:  
17 (i) the licensed physical therapist's setting of goals, establishing a  
18 plan of care and determining whether the patient is appropriate to  
19 receive the services of a licensed physical therapist assistant subject  
20 to the licensed physical therapist's evaluation; (ii) [~~an initial joint~~  
21 ~~visit with the patient by the supervising licensed physical therapist~~  
22 ~~and the licensed physical therapist assistant, (iii)~~] periodic treatment  
23 and evaluation of the patient by the supervising licensed physical ther-  
24 apist, as indicated in the plan of care and as determined in accordance  
25 with patient need, but in no instance shall the interval between such  
26 treatment exceed every six patient visits or thirty days, whichever  
27 occurs first; and [~~(iv)~~] (iii) a final evaluation by the supervising  
28 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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1 terminated. For purposes of this subdivision, the number of licensed  
2 physical therapist assistant's supervised in the home care services  
3 setting by a licensed physical therapist shall not exceed the ratio of  
4 two physical therapist assistants to one licensed physical therapist.

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

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

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

27 ~~(ii) [an initial joint visit with the patient by the supervising~~  
28 ~~licensed physical therapist and licensed physical therapist assistant,~~

29 ~~(iii)]~~ periodic treatment and evaluation of the patient by the super-  
30 vising licensed physical therapist as indicated in the plan of care and  
31 as determined in accordance with patient need, except that in no  
32 instance shall the interval between such treatment exceed every twelfth  
33 visit or thirty days which ever occurs first; and

34 ~~(iv)]~~ (iii) notification of the supervising licensed physical thera-  
35 pist by the licensed physical therapist assistant whenever there is a  
36 change in status, condition or performance of the patient.

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