

STATE OF NEW YORK

11673

IN ASSEMBLY

September 2, 2026

Introduced by COMMITTEE ON RULES -- (at request of M. of A. Weprin) --
read once and referred to the Committee on Insurance

AN ACT to amend the insurance law, in relation to prohibiting the termination of coverage for rehabilitation services solely because of a failure to demonstrate measurable improvement in the applicable condition

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

1 Section 1. Section 4903 of the insurance law is amended by adding a
2 new subsection (j) to read as follows:

3 (j) (1) A utilization review agent shall not issue an adverse determi-
4 nation denying, reducing, or terminating coverage for medically neces-
5 sary skilled rehabilitation services solely because the insured or
6 enrollee has failed to demonstrate measurable improvement in the
7 insured's or enrollee's condition.

8 (2) For purposes of this subsection, medically necessary skilled reha-
9 bilitation services may include physical therapy, occupational therapy,
10 speech-language pathology services, pulmonary rehabilitation, cardiac
11 rehabilitation, and other rehabilitative services performed by a
12 licensed health care professional acting within the scope of their prac-
13 tice.

14 (3) A utilization review agent shall consider whether continued
15 skilled services are reasonably expected to:

16 (i) maintain the insured's or enrollee's current level of function;

17 (ii) prevent or slow deterioration in functional capacity;

18 (iii) reduce pain or other symptoms that impair activities of daily
19 living;

20 (iv) prevent hospitalization, institutionalization, surgery, or other
21 more intensive medical intervention; or

22 (v) permit the safe performance of a maintenance program requiring the
23 specialized clinical judgment or skills of a licensed health care
24 professional.

25 (4) An adverse determination shall not be based solely upon a finding
26 that the insured or enrollee has reached a plateau, has failed to demon-

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

LBD16271-01-6

1 strate objective improvement, or has a chronic, progressive, or degener-
2 ative condition.

3 (5) Nothing in this subsection shall be construed to require coverage
4 for services that are not otherwise medically necessary or that do not
5 require the specialized knowledge, clinical judgment, or skills of a
6 licensed health care professional.

7 § 2. This act shall take effect immediately.