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The NYPTA Questions Governor Cuomo's Decision to Veto Physical Therapist Assistant Legislation

The legislation – [SS2718A/A2116A](#) - would clarify the ability of physical therapist assistants, under direct supervision of a licensed physical therapist, to render care for certain patients. In most cases, a patient who obtains physical therapy receives a consultation and treatment plan from a licensed physical therapist (PT) and throughout the treatment cycle is supported by physical therapist assistants (PTA). The patient, therefore, interacts with both the PTs and PTAs during their treatment.

Current law, however, requires that a licensed PT must be the only person to provide direct care to a workers' compensation patient – Workers' Compensation Law will not cover the cost of physical therapy care delivered by a PTA. This creates a burdensome requirement and differs from other insurers who recognize the important role that physical therapist assistants play in a patient's recovery process.

The NYPTA is troubled by the fundamental misunderstanding of physical therapy care and the factually inaccurate statements contained in the Governor's veto [memo](#). Namely, that "[s]ince physical therapy (sic) assistants are not licensed or regulated by a State agency, this bill would authorize treatment by a provider not subject to any State oversight." Physical therapist assistants are certified professionals, regulated by the State Education Department, who must fulfill educational and experience requirements, pass a certification examination and are subject to character review and discipline by the State Education Department. [See](#) Education Law §§6738, 6739 and 6740. New York has 13 physical therapist assistant education programs, the majority of which are at SUNY or CUNY colleges.

Senator Joseph Griffo and Assemblyman Ken Zebrowski on November 30, 2016, expressed their disappointment in the Governor's veto of this legislation that they sponsored.

Senator Joseph Griffo, R-Rome, said: "Physical therapy plays such an integral role in a person's recovery process, and this legislation would have ensured fairer access to the services so many people need to heal from an injury. To apply a different set of rules for the same service to patients just because they are on workers' compensation is unfair and outdated, and I am disappointed that the Governor rejected this important step toward improving how physical therapy services are provided. While it is important to always ensure that any health care provider has proper training, I believe the Governor's veto suggests a misunderstanding toward physical therapist assistants and I will continue to urge that this legislation be approved."

Assemblyman Ken Zebrowski, D-New City, said: “I am disappointed that the Governor vetoed this common sense measure that would modernize the delivery of physical therapy services to Worker’s Compensation patients. Currently, Worker’s Compensation patients must be treated directly by a licensed physical therapist and prohibits the delivery of services by a physical therapy assistant (PTA). The veto message showed a serious lack of understanding how physical therapy services are delivered to the patient as well as the oversight that is currently in place. New York has one of the most stringent physical therapy assistant supervision laws in the nation; requiring on-site, direct supervision with a limit of no more than four physical therapy assistants for every licensed physical therapist. This bill simply created parity with other insurers in recognition of how physical therapy services are provided. I hope that the Governor will reconsider the opposition to this legislation.”

The veto [memo](#) also maintains (without support) that the legislation “would drive additional costs to insurers and employers by requiring additional care providers to directly supervise physical therapy (sic) assistants.” No system compensates providers for the supervision of physical therapist assistants nor would the workers’ compensation system. In fact, the legislation represents a lost opportunity to achieve systematic savings. [S2718A/A2116A](#) provided an opportunity to eliminate wasteful payment practice of paying different rates to providers for the same physical therapy service consistent with a proposal set forth in a Discussion Document issued by the Workers’ Compensation Board. Differentiating payment for the same service by provider type is a long outdated payment practice and largely unique to New York’s worker’s compensation system.

“The legislation offered a modest proposal to slightly modernize the delivery of health care services within the workers’ compensation system and to achieve systemic savings. It is troubling that the decision to veto the bill is based on a fundamental misunderstanding of physical therapy care and New York law said Michael Mattia, President of the New York Physical Therapy Association.”

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About the NYPTA

The NYPTA (www.nypta.org) has the proud heritage as the genesis of the American Physical Therapy Association (APTA) in New York City in 1921. The NYPTA is currently the second largest chapter of the APTA, with over 6,000 members who are physical therapists, physical therapist assistants and students. The mission of the NYPTA is to empower and support its members in advancing the practice and profession of physical therapy through advocacy, education and research.