



150 State Street, Suite 301 Albany, New York 12207-1698 Telephone (518) 449-2707 Fax (518) 455-8908 Web www.nyahsa.org

MEMORANDUM

TO: RHCF and Community Services Members

FROM: Patrick Cucinelli, Senior Financial Policy Analyst

DATE: March 17, 2008

SUBJECT: Medicaid Reimbursement for PT and OT Assistants

ROUTE TO: Administrator, CFO, Therapy Director

ABSTRACT: DOH issues rule on Medicaid reimbursement for PT and OT assistant services.

Introduction

In the [March 12, 2008 New York State Register](#) the Department of Health (DOH) has issued a notice of emergency rule making amending title [18 NYCRR](#), section 505.11 to include physical therapy assistants (PTAs) and occupational therapy assistants (OTAs) in the list of qualified professionals that can provide billable services to Medicaid recipients.

Additional Details

DOH's basis for issuing the emergency notice is in the interests of preserving public health. Under the emergency provisions of section 202(6) of the State Administrative Procedure Act, the change became effective with the February 26, 2008 filing with the Secretary of State.

Under the current regulations, PTAs and OTAs are not included in the list of qualified professionals that can provide physical therapy or occupational therapy services, as a billable service to Medicaid recipients. In making this amendment, DOH states: "provider organizations have demonstrated...that without the continued employment of occupational therapy assistants and physical therapy assistants the Medicaid enrollee's access to rehabilitative care will be hampered." The State Education Department will continue to set the standards of practice for these professions. Under this amendment, the current standards of practice which allow for these

professions to provide service under the supervision of physical and occupational therapists do not change.

Again, this emergency provision took effect as of February 26, 2008 and will expire as of May 25, 2008. DOH intends to adopt the change as a permanent rule and will publish a notice of proposed rule making in the *State Register* at some future date. The emergency adoption does not allow for a public comment period. The permanent rule notice, however, will allow for public comment and NYAHSa is interested in hearing from members who have an interest in this provision. NYAHSa will continue to monitor the situation and advise members of further developments.

Please contact me with your comments and any questions at pcucinelli@nyahsa.org or call 518-449-2707 ext. 145.