Dear NYPTA Members,

As you may be aware, the New York Empire State Development Corporation (ESD) recently released updated guidelines on determining whether a business is considered essential under Governor Cuomo's Emergency Order 202.6. Within the ESD guidance, “physical therapy prescribed by a medical professional” was listed as an example of essential healthcare operations within the guidance. Some members have reached out to the Chapter and APTA concerned that direct access for physical therapist services are no longer allowed in New York State. That is not correct.

When the Governor’s Office announced that only essential businesses would remain open and not subject to the 100% workforce reduction order, physical therapy was not included on that list. NYPTA, in collaboration with the chapter's lobbyist, wrote to the Governor requesting that physical therapy be considered an essential business as there was much concern about post-surgical and acute patients receiving treatment. On March 22nd, our request was granted, and New York State was able to confirm for NYPTA that physical therapists are considered part of the “essential health care” exemption under the guidance issued in relation to the in-person workforce restrictions in place through Executive Order 202.6. The ESD guidance was not updated at that time, but we had the assurance from New York State, and were able to inform our members that they could rely on their best clinical judgement as to necessary in-patient treatment. Thursday’s updates to the ESD guidance included significant updates to many of the categories, including the addition of emergency chiropractic, physical therapy, and occupational therapy. You may note that many professions are not addressed in the guidance, and do not have the clarity that they can continue to treat patients in-person.

While this order requires prescription by a medical professional, you must remember that this is an emergency order put in place during a pandemic and only applies to in-person PT services, not PT services delivered via telehealth. Once the crisis is over, emergency rules are lifted, and the language of the practice act will continue to allow for direct access by physical therapists for 10 visits or 30 days, whichever comes first

NYPTA believes this language allows patients to continue to receive in person PT services that are essential to their recovery, especially since the majority of outpatient PT services are normally provided based on physician referral. We also believe this language is preferable to the guidance for chiropractors and dentists in NYS that only allow for “emergency” chiropractic or dental services.

NYPTA reminds any member that may treat a patient in-person that the ESD guidance requires essential businesses to maintain social distancing to the greatest extent possible, and to comply with the guidance and directives for maintaining a clean and safe work environment issued by the Department of Health.

Sincerely,

PEGGY LYNAM, PT, DPT
President