



New York State Occupational Therapy Association

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Memorandum of Support

Medicaid Therapy Visit Limit Override

A.4846 by Assembly member Barrett
S.2541 by Senator Comrie

This legislation is not same as bills. Both bills amend §365-a of the Social Services Law and allows for speech, physical or occupational therapy under the Medicaid program to provide treatment beyond the current limit on visits when the provider of the therapy or services attests to the medical necessity of the additional visits.

The New York State Occupational Therapy Association supports this legislation.

Arbitrary limits on health care that are set solely by financial goals is bad health care policy since it fails to consider the patient's individual needs for recovery. Terminating a patient's treatment before the patient's completed recovery can unnecessarily leave that patient with a residual disability. There is no common sense in an insurance plan that spends on acute care but then fails to complete rehabilitation. Incomplete recovery can result in long-term disability, further health complications and higher rates of recidivism.

The problems with arbitrary caps on outpatient therapy has been widely discussed at the national level ever since the federal balanced budget act of 1997 imposed arbitrary financial caps on Medicare part B coverage for outpatient occupational, physical and speech therapy. Congress has recognized that this was bad policy, subsequently authorized alternative approaches, and in January 2018 completely repealed the therapy caps.

A.4846 and S.2541 provides a reasonable process for overriding an arbitrary visit limit when the treating providers attest to the medical necessity of completing therapy. This is a very important improvement to a policy that risks harm to patients struggling to recover.

NYSOTA urges the legislature to reconcile the language in these bills and pass this legislation.