

**Section 329-1.3 of Title 12 NYCRR is hereby amended to read as follows:**

(a) The medical fee schedule for medical services shall be the Official New York Workers' Compensation Medical Fee Schedule, updated [December 11, 2019] December 30, 2025, prepared by the board and published by [OptumInsight] RefMed, which is herein incorporated by reference.

(b) The Official New York Workers' Compensation Medical Fee Schedule incorporated by reference herein may be examined at the office of the Department of State, One Commerce Plaza, 99 Washington Avenue, Albany, NY 12231, the Legislative Library, the libraries of the New York State Supreme Court, and the district offices of the board. Copies may be purchased from [OptumInsight] RefMed, by writing to Official New York Workers' Compensation Fee Schedule, PO Box 88050, Chicago, IL 60680-9920; by telephone at [1-800-464-3649, option 1;] (863) 222-4071 or online at [www.optum360coding.com] <https://marketplace.refmed.com>, keyword New York [or <https://www.optum360coding.com/Product/40508/>].

(c) Physical Therapy Assistants (PTAs) and Occupational Therapy Assistants (OTAs) may provide services under the direct supervision of an authorized Physical Therapist (PT) or authorized Occupational Therapist (OT) respectively.

(1) When billing for PTA services, supervising authorized PTs must select codes from the [Physical Medicine Section of the] Official New York State [Workers' Compensation Medical Fee Schedule] Acupuncture and Physical and Occupational Therapy Fee Schedule incorporated by reference in Section 329-4.2 of Title 12 NYCRR that are permissible and within the scope of practice for PTAs using modifier CQ.

(2) When billing for OTA services, supervising authorized OTs must select codes from the [Physical Medicine Section of the] Official New York State Workers' Compensation [Medical Fee Schedule] Acupuncture and Physical and Occupational Therapy Fee Schedule incorporated by reference in Section 329-4.2 of Title 12 NYCRR that are permissible and within the scope of practice of OTAs using modifier CO.

(3) Services billed using the modifiers CQ or CO must be billed and paid at 85 percent of the amount payable for such services had they been performed directly by PTs and OTs. Clinical notes by PTAs must be cosigned by the supervising PT. Clinical notes by OTAs must be cosigned by the supervising OT. PTAs and OTAs may not provide services or bill for services independently.

(4) Nothing in this section shall change the maximum numbers of billable Relative Value Units (RVUs) for physical therapy and occupational therapy on any given date of service, as outlined elsewhere in the fee schedule. They are not increased or otherwise changed based on whether the services are provided by PTs, OTs, PTAs or OTAs.

(5) When services are performed by PTs and PTAs (or OTs and OTAs) on the same date of service, the services applied to the maximum number of RVUs on any given date of service shall be determined giving priority to services provided by PTs over those provided by PTAs, and services provided by OTs over those provided by OTAs.

(6) The ability of PTAs and OTAs to provide services under NYS Workers Compensation, and for supervising PTs and OTs to submit bills for said services, shall in no way expand or otherwise change the scope of practice or permissible activities for PTAs or OTAs by statute, and/or any applicable regulations promulgated by the New York State Education Department, New York State Department of Health, or the New York State Workers' Compensation Board. As such, it shall be impermissible for PTAs/OTAs to perform any services or activities otherwise reserved for PTs and OTs respectively, or for supervising PTs or OTs to bill for such services, and Current Procedural Terminology (CPT) codes must be selected accordingly.

(i) Examples may include, but are not limited to: a PTA is prohibited by section 6738(a) of the NYS Education Law from performing evaluation, testing, interpretation, planning or modification of patient/client programs; a PT conducts the initial evaluation and develops the plan of care, and the treatment may be provided by the PTA; PTAs and OTAs may not perform Functional Capacity Evaluations (FCEs).

(d) When workers' compensation benefits are sought due to a work-place exposure to COVID19, reimbursement for serological, molecular or other reliable testing to confirm a current COVID-19 viral infection may be made using CPT code 87635.

(1) The RVU for CPT code 87635 shall be 39.18, and the total fee for such test shall be 51.33 for Region IV, 47.41 for Region III, and 41.53 for Regions I and II.

(2) CPT code 87635 may only be billed when there is a claim for workers' compensation due to a COVID-19 infection as a result of a work-place exposure or when testing for COVID-19 is administered as part of a required pre-operative testing protocol in accordance with Department of Health guidance.

(3) CPT code 87635 may not be billed for routine screening of workers' compensation claimants for the presence of the COVID-19 virus.

(4) Antibody testing is not available under the Official New York Workers' Compensation Fee Schedule.

(5) CPT code 87635 may only be billed in one instance. Repeat testing is not permitted, except when clinical documentation supports a change or reoccurrence of symptoms, or a new exposure to the COVID-19 virus.

#### **Section 329-4.2 of Title 12 NYCRR is hereby amended to read as follows:**

Section 329-4.2. Acupuncture and physical therapy and occupational therapy fee schedule; incorporation by reference

(a) The acupuncture fee schedule for acupuncture services shall be the Official New York Workers' Compensation Acupuncture and Physical Therapy and Occupational Therapy Fee Schedule, [created December 11, 2019] updated December 30, 2025, prepared by the Board and published by [OptumInsight]RefMed, which is herein incorporated by reference.

(b) The physical therapy and occupational therapy fee schedule for physical therapy and occupational therapy services shall be the Official New York Workers' Compensation Acupuncture and Physical Therapy and Occupational Therapy Fee Schedule, [created December 4, 2019] updated December 30, 2025, prepared by the Board and published by [OptumInsight]RefMed, which is herein incorporated by reference.

(c) The Official New York Workers' Compensation Acupuncture and Physical Therapy Fee Schedule incorporated by reference herein may be examined at the office of the Department of State, One Commerce Plaza, 99 Washington Avenue, Albany, NY 12231, the Legislative Library, the libraries of the New York State Supreme Court, and the district offices of the Board. Copies may be purchased from RefMed[OptumInsight by writing to Official New York Workers' Compensation Fee Schedule, PO Box 88050, Chicago, IL 60680-9920; ]by telephone at [1-800-464-3649, option 1] (863) 222-4071; or online at <https://marketplace.refmed.com> [www.optum360coding.com] keyword New York[ or <https://www.optum360coding.com/Product/40508/>].

**Section 333.2 of Title 12 NYCRR is hereby amended to read as follows:**

Section 333.2. Behavioral Health fee schedule; incorporation by reference

(a) The behavioral health fee schedule for psychology services shall be the Official New York Workers' Compensation Behavioral Health Fee Schedule, updated [December 11, 2019] December 30, 2025, prepared by the Board and published by [OptumInsight] RefMed, which is herein incorporated by reference.

(b) The Official New York Workers' Compensation Behavioral Health Fee Schedule incorporated by reference herein may be examined at the office of the Department of State, One Commerce Plaza, 99 Washington Avenue, Albany, NY 12231, the Legislative Library, the libraries of the New York State Supreme Court, and the district offices of the board. Copies may be purchased from RefMed[OptumInsight, by writing to Official New York Workers' Compensation Fee Schedule, PO Box 88050, Chicago, IL 60680-9920; ]by telephone at [1-800-464-3649, option 1] (863) 222-4071; or online at <https://marketplace.refmed.com> [www.optum360coding.com] keyword New York[ or <https://www.optum360coding.com/Product/40508/>].

**Section 343.2 of Title 12 NYCRR is hereby amended to read as follows:**

Section 343.2. Podiatry fee schedule; incorporation by reference

(a) The podiatry fee schedule for podiatry services shall be the Official New York Workers' Compensation Podiatry Fee Schedule, updated [December 26, 2018] December 30, 2025, prepared by the board and published by [OptumInsight]RefMed, which is herein incorporated by reference.

(b) The Official New York Workers' Compensation Podiatry Fee Schedule incorporated by reference herein may be examined at the office of the Department of State, One Commerce Plaza, 99 Washington Avenue, Albany, NY 12231, the Legislative Library, the libraries of the New York State Supreme Court, and the district offices of the board. Copies may be purchased from RefMed[OptumInsight, by writing to Official New York Workers' Compensation Fee Schedule, PO Box 88050, Chicago, IL 60680-9920; ]by telephone at [1-800-464-3649, option 1] (863) 222-4071; or online at <https://marketplace.refmed.com> [www.optum360coding.com] keyword New York[ or <https://www.optum360coding.com/Product/40508/>].

**Section 348.2 of Title 12 NYCRR is hereby amended to read as follows:**

Section 348.2. Chiropractic fee schedule; incorporation by reference

(a) The chiropractic fee schedule for chiropractic services shall be the Official New York Workers' Compensation Chiropractic Fee Schedule, updated [December 11, 2019] December 30, 2025, prepared by the Board and published by [OptumInsight]RefMed, which is herein incorporated by reference.

(b) The Official New York Workers' Compensation Chiropractic Fee Schedule incorporated by reference herein may be examined at the office of the Department of State, One Commerce Plaza, 99 Washington Avenue, Albany, NY 12231, the Legislative Library, the libraries of the New York State Supreme Court, and the district offices of the board. Copies may be purchased from RefMed[OptumInsight, by writing to

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