

STATE OF NEW YORK

10033

IN ASSEMBLY

May 2, 2024

Introduced by M. of A. PAULIN, HEVESI, BUTTENSCHON, DAVILA, LUPARDO, SHIMSKY, SIMON, STIRPE, JENSEN, BENDETT, GANDOLFO, MIKULIN, ANGELINO, DeSTEFANO, LEMONDES, MANKTELOW, McDONOUGH, PALMESANO, SMULLEN -- read once and referred to the Committee on Health

AN ACT to amend the public health law, in relation to establishing a hyperbaric oxygen therapy pilot program

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The public health law is amended by adding a new article 27-CCCC to read as follows:

ARTICLE 27-CCCC

HYPERBARIC OXYGEN THERAPY PILOT PROGRAM

Section 2748. Definitions.

2748-a. Hyperbaric oxygen therapy pilot program.

2748-b. Hyperbaric oxygen therapy authorized.

§ 2748. Definitions. As used in this article, the following terms shall have the following meanings:

1. "Authorized medical professional" shall mean a licensed physician, physician's assistant, nurse practitioner or other licensed health care practitioner licensed to practice in this state and acting within such professional's scope of practice.

2. "Hyperbaric oxygen therapy" shall mean treatment from an authorized medical professional in either a hyperbaric chamber approved by the United States food and drug administration, or similar device with a United States food and drug administration approved investigational device exemption.

3. "Post-traumatic stress disorder" shall mean a mental condition developed after having experienced or witnessed a traumatic or life-threatening event as such terms are defined by the most recent edition of the diagnostic and statistical manual of mental disorders, published by the American Psychiatric Association.

4. "Traumatic brain injury" shall have the same meaning as defined in subdivision one of section twenty-seven hundred forty-one of this chapter.

EXPLANATION--Matter in italics (underscored) is new; matter in brackets [-] is old law to be omitted.

LBD15371-01-4

1 5. "Veteran" shall have the same meaning as defined in subdivision
2 three of section one of the veterans' services law.

3 § 2748-a. Hyperbaric oxygen therapy pilot program. 1. The commissioner
4 shall establish a five-year pilot program to provide treatment to veter-
5 ans suffering from traumatic brain injuries or post-traumatic stress
6 disorder by means of hyperbaric oxygen therapy.

7 2. The commissioner shall require providers who are a part of the
8 hyperbaric oxygen therapy pilot program submit an annual report to the
9 commissioner. Such report shall include data analyzing the cost and
10 efficiency of the hyperbaric oxygen therapy program and any recommenda-
11 tions by the provider to improve or expand such hyperbaric oxygen thera-
12 py pilot program.

13 3. On or before December thirty-first, two thousand thirty, the
14 commissioner shall submit a report to the governor, the temporary presi-
15 dent of the senate, the speaker of the assembly, the chair of the senate
16 committee on health, and the chair of the assembly health committee on
17 data received pursuant to subdivision two of this section. Such report
18 shall include an analysis of the cost and efficiency of the hyperbaric
19 oxygen therapy pilot program and the number of veterans receiving treat-
20 ment through such pilot program.

21 § 2748-b. Hyperbaric oxygen therapy authorized. 1. Any authorized
22 medical professional may prescribe hyperbaric oxygen therapy to a veter-
23 an diagnosed with a traumatic brain injury or post-traumatic stress
24 disorder. An authorized medical professional who prescribes hyperbaric
25 oxygen therapy shall do so in a manner that complies with accepted stan-
26 dards of care for hyperbaric oxygen therapy.

27 2. Any veteran who is a resident of the state of New York and has been
28 diagnosed with a traumatic brain injury or post-traumatic stress disor-
29 der may receive hyperbaric oxygen therapy so long as such therapy has
30 been prescribed by an authorized medical professional.

31 § 2. The commissioner of health shall promulgate any rules or regu-
32 lations necessary for the implementation of this article.

33 § 3. This act shall take effect immediately.