

10763

I N A S S E M B L Y

April 20, 2010

Introduced by M. of A. CASTELLI, MONTESANO -- read once and referred to the Committee on Veterans' Affairs

AN ACT to amend the military law, in relation to establishing the yellow ribbon reintegration program and making an appropriation therefor; to amend the public health law, in relation to including the adjutant general and the director of reintegration and the directors of veterans' affairs as members of the traumatic brain injury services coordinating council and including additional toxic materials or harmful physical agents in the scope of information to be provided by the veterans health care information program; to amend the executive law, in relation to health screening of veterans for traumatic brain injury and post-traumatic stress disorder; to amend the criminal procedure law, in relation to allowing a criminal defendant to plea to not responsible by reason of mental disease or defect stemming from service in a combat zone; and to amend the executive law and the mental hygiene law, in relation to including in the scope of duties of the division of veterans' affairs, the commissioner of the office of mental health and the commissioner of the office of alcoholism and substance abuse services the establishment of a program for mental health and rehabilitative services for veterans, members of the New York national guard and residents in the armed forces reserves and their family members

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 Section 1. The military law is amended by adding a new article 14 to
2 read as follows:

3 ARTICLE XIV

4 YELLOW RIBBON REINTEGRATION PROGRAM

5 SECTION 340. DEFINITIONS.

6 341. YELLOW RIBBON REINTEGRATION PROGRAM; ESTABLISHMENT AND
7 PURPOSE.

8 342. OFFICE FOR REINTEGRATION PROGRAMS.

9 343. STATE DEPLOYMENT CYCLE SUPPORT TEAMS.

10 344. REINTEGRATION PROGRAMS.

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

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1 345. POST-TRAUMATIC STRESS DISORDER AND TRAUMATIC BRAIN INJURY
2 QUESTIONNAIRES.

3 S 340. DEFINITIONS. FOR THE PURPOSES OF THIS ARTICLE, THE FOLLOWING
4 TERMS SHALL HAVE THE FOLLOWING MEANINGS:

5 1. "BATTLEMIND II TRAINING" MEANS A PROGRAM DEVELOPED BY THE UNITED
6 STATES ARMY THAT CONSISTS OF VIDEO VIGNETTES MEANT TO ASSIST MEMBERS OF
7 THE ARMED FORCES IN RELATING COMBAT SKILLS TO EMOTIONAL REACTIONS THAT
8 THEY MAY EXPERIENCE AFTER DEPLOYMENT.

9 2. "FAMILY ASSISTANCE CENTERS" MEANS CENTERS ESTABLISHED BY THE NEW
10 YORK NATIONAL GUARD OFFICE OF FAMILY PROGRAMS WITHIN THE DIVISION OF
11 MILITARY AND NAVAL AFFAIRS, WHICH PROVIDE LOCATIONS FROM WHICH ASSIST-
12 ANCE AND INFORMATION MAY BE PROVIDED TO FAMILIES OF MEMBERS OF THE NEW
13 YORK NATIONAL GUARD.

14 3. "FAMILY READINESS GROUPS" MEANS GROUPS ESTABLISHED BY THE NEW YORK
15 NATIONAL GUARD OFFICE OF FAMILY PROGRAMS WITHIN THE DIVISION OF MILITARY
16 AND NAVAL AFFAIRS, WHICH PROVIDE INFORMATION, SUPPORT AND SERVICES TO
17 FAMILIES OF MEMBERS OF THE NEW YORK NATIONAL GUARD RELATING TO PREPARING
18 SUCH FAMILIES FOR THE RETURN OF THEIR NEW YORK NATIONAL GUARD FAMILY
19 MEMBER FROM DEPLOYMENT.

20 4. "MILITARY ONESOURCE" MEANS THE PROGRAM ESTABLISHED BY THE UNITED
21 STATES DEPARTMENT OF DEFENSE TO AID ACTIVE DUTY, GUARD AND RESERVE
22 MEMBERS AND THEIR FAMILIES BY PROVIDING GUIDANCE TO MEMBERS AND THEIR
23 FAMILIES AS TO EXISTING SERVICES, MAKING SUCH SERVICES MORE ACCESSIBLE
24 AND SUPPLEMENTING SUCH SERVICES.

25 5. "POST-DEPLOYMENT HEALTH REASSESSMENT" MEANS A PROGRAM MANDATED BY
26 THE UNITED STATES ASSISTANT SECRETARY OF DEFENSE FOR HEALTH AFFAIRS,
27 DESIGNED TO IDENTIFY AND ADDRESS HEALTH CONCERNS, WITH SPECIFIC EMPHASIS
28 ON MENTAL HEALTH, THAT HAVE EMERGED SINCE DEPLOYMENT.

29 6. "TRICARE" MEANS A HEALTH INSURANCE PLAN AVAILABLE FOR ELIGIBLE
30 RESERVE COMPONENT MEMBERS WHO ARE SERVING IN THE NEW YORK ARMY NATIONAL
31 GUARD.

32 7. "UNITED STATES NATIONAL GUARD BUREAU OFFICE OF REINTEGRATION
33 PROGRAMS" MEANS THE FEDERAL OFFICE ESTABLISHED BY THE NATIONAL DEFENSE
34 AUTHORIZATION ACT OF 2008, PUBLIC LAW 110-181 OF THE ONE HUNDRED TENTH
35 CONGRESS.

36 S 341. YELLOW RIBBON REINTEGRATION PROGRAM; ESTABLISHMENT AND PURPOSE.

37 1. THE ADJUTANT GENERAL, IN COORDINATION WITH THE FEDERAL CHIEF OF THE
38 NATIONAL GUARD BUREAU, SHALL ESTABLISH A YELLOW RIBBON REINTEGRATION
39 PROGRAM TO PROVIDE NATIONAL GUARD MEMBERS AND THEIR FAMILIES WITH SUFFI-
40 CIENT INFORMATION, SERVICES, REFERRAL, AND PROACTIVE OUTREACH OPPORTU-
41 NITIES THROUGHOUT THE ENTIRE DEPLOYMENT CYCLE. THIS PROGRAM SHALL BE
42 KNOWN AS THE YELLOW RIBBON REINTEGRATION PROGRAM.

43 2. THE YELLOW RIBBON REINTEGRATION PROGRAM SHALL CONSIST OF INFORMA-
44 TIONAL EVENTS AND ACTIVITIES FOR MEMBERS OF THE ORGANIZED MILITIA OR OF
45 A RESERVE COMPONENT OF THE ARMED FORCES OF THE UNITED STATES, THEIR
46 FAMILIES AND COMMUNITY MEMBERS THROUGH THE FOUR PHASES OF THE DEPLOYMENT
47 CYCLE:

48 (A) PRE-DEPLOYMENT.

49 (B) DEPLOYMENT.

50 (C) DEMOBILIZATION.

51 (D) POST-DEPLOYMENT RECONSTITUTION.

52 3. THE HEAD OF SUCH PROGRAM SHALL BE THE DIRECTOR OF THE YELLOW RIBBON
53 REINTEGRATION PROGRAM. HE OR SHE SHALL BE APPOINTED BY THE ADJUTANT
54 GENERAL.

55 S 342. OFFICE FOR REINTEGRATION PROGRAMS. 1. (A) THE DIVISION OF MILI-
56 TARY AND NAVAL AFFAIRS SHALL ESTABLISH THE OFFICE FOR REINTEGRATION

1 PROGRAMS. THIS OFFICE SHALL ADMINISTER ALL REINTEGRATION PROGRAMS IN
2 COORDINATION WITH STATE ORGANIZATIONS AND THE UNITED STATES NATIONAL
3 GUARD BUREAU OFFICE OF REINTEGRATION PROGRAMS.

4 (B) THE OFFICE FOR REINTEGRATION PROGRAMS SHALL CONSIST OF TEN
5 FULL-TIME ENLISTED PERSONNEL TO ADMINISTER THE YELLOW RIBBON REINTE-
6 GRATION PROGRAM. THE OFFICE SHALL BE RESPONSIBLE FOR COORDINATION WITH
7 EXISTING NEW YORK NATIONAL GUARD FAMILY AND SUPPORT PROGRAMS. THE
8 COMMANDERS OF THE ARMY NATIONAL GUARD AND AIR NATIONAL GUARD MAY APPOINT
9 LIAISON OFFICERS TO WORK WITH THE PERMANENT OFFICE STAFF. THE OFFICE
10 SHALL CLOSELY COORDINATE WITH APPROPRIATE OFFICERS AND ENLISTED PERSON-
11 NEL WITH RESPECT TO EXISTING FAMILY SUPPORT STRUCTURE, MOBILIZATION
12 SCHEDULES, TRAINING SCHEDULES, TRAINING PLANS AND PROGRAMS, AND ANY
13 OTHER PERSONNEL ISSUES.

14 2. THE OFFICE FOR REINTEGRATION PROGRAMS SHALL ISSUE INTERNAL REPORTS
15 AS NECESSARY AND SHALL SUBMIT ANNUAL REPORTS TO THE LEGISLATURE NOT
16 LATER THAN ONE HUNDRED EIGHTY DAYS AFTER THE END OF A ONE-YEAR PERIOD
17 FROM ESTABLISHMENT OF THE OFFICE FOR REINTEGRATION PROGRAMS. THESE
18 REPORTS SHALL CONTAIN:

- 19 (A) AN EVALUATION OF THE REINTEGRATION PROGRAM'S IMPLEMENTATION;
20 (B) AN ASSESSMENT OF ANY UNMET RESOURCE REQUIREMENTS;
21 (C) AN ASSESSMENT OF THE REINTEGRATION PROGRAM'S INCLUSION OF OTHER
22 RESERVE COMPONENT SERVICE MEMBERS AND THE NECESSITY FOR FURTHER EXPAN-
23 SION TO INCORPORATE ALL THE RESERVE COMPONENTS; AND
24 (D) RECOMMENDATIONS REGARDING CLOSER COORDINATION BETWEEN THE OFFICE
25 OF REINTEGRATION PROGRAMS AND STATE ORGANIZATIONS.

26 S 343. STATE DEPLOYMENT CYCLE SUPPORT TEAMS. THE ADJUTANT GENERAL
27 SHALL DETAIL PERSONNEL NECESSARY TO THE DIRECTOR OF REINTEGRATION FOR
28 THE ADMINISTRATION OF THE YELLOW RIBBON REINTEGRATION PROGRAM IN COORDI-
29 NATION WITH UNITED STATES NATIONAL GUARD BUREAU OFFICE OF REINTEGRATION
30 PROGRAMS DEPLOYMENT CYCLE SUPPORT TEAM MEMBERS BASED ON NEED, GEOGRAPH-
31 ICAL DISPERSION, AND MILITARY POPULATION. THE OFFICE FOR REINTEGRATION
32 PROGRAMS IS ENCOURAGED TO EMPLOY WOUNDED SERVICE MEMBERS AND RETURNING
33 COMBAT VETERANS WHENEVER POSSIBLE. THE PRIMARY FUNCTION OF TEAM MEMBERS
34 SHALL BE:

- 35 1. DEVELOPING AND MANAGING THE REINTEGRATION CURRICULUM;
36 2. CONTRACTING AND RECRUITING FOR NECESSARY SERVICE PROVIDERS; AND
37 3. ENSURING THAT PROVIDERS' SKILLS ADAPT TO THE UNIQUE MILITARY NATURE
38 OF THE REINTEGRATION PROGRAM.

39 S 344. REINTEGRATION PROGRAMS. 1. THE OFFICE FOR REINTEGRATION
40 PROGRAMS SHALL ANALYZE THE DEMOGRAPHICS, PLACEMENT OF STATE FAMILY
41 ASSISTANCE CENTERS, AND FAMILY ASSISTANCE CENTER RESOURCES BEFORE A
42 MOBILIZATION ALERT IS ISSUED TO AFFECTED STATE NATIONAL GUARD ORGANIZA-
43 TIONS. THE OFFICE OF REINTEGRATION PROGRAMS SHALL CONSULT WITH THE
44 UNITED STATES NATIONAL GUARD BUREAU OFFICE OF REINTEGRATION PROGRAMS
45 FOLLOWING THE ISSUANCE OF A MOBILIZATION ALERT AND IMPLEMENT THE REINTE-
46 GRATION EVENTS IN ACCORDANCE WITH THE REINTEGRATION PROGRAM PHASE MODEL.

47 2. THE PRE-DEPLOYMENT PHASE SHALL BE CONDUCTED BY UNITED STATES
48 NATIONAL GUARD BUREAU OFFICE OF REINTEGRATION PROGRAMS DEPLOYMENT CYCLE
49 SUPPORT TEAM MEMBERS AND CONSTITUTE THE TIME FROM FIRST NOTIFICATION OF
50 MOBILIZATION UNTIL DEPLOYMENT OF THE MOBILIZED NATIONAL GUARD UNIT.
51 EVENTS AND ACTIVITIES SHALL FOCUS ON PROVIDING EDUCATION AND ENSURING
52 THE READINESS OF SERVICE MEMBERS, FAMILIES, AND COMMUNITIES FOR THE
53 RIGORS OF A COMBAT DEPLOYMENT AND SHALL INCLUDE THE FOLLOWING:

- 54 (A) SERVICE MEMBER READINESS;
55 (B) MARRIAGE COUNSELING;
56 (C) YOUTH COUNSELING;

- 1 (D) FAMILY COUNSELING;
- 2 (E) SINGLE SERVICE MEMBER COUNSELING;
- 3 (F) INFORMATION ON RESOURCES AVAILABLE TO SERVICE MEMBERS AND FAMI-
- 4 LIES;
- 5 (G) INTRODUCTION TO THE MILITARY ONESOURCE PROGRAM;
- 6 (H) DIVISION OF VETERANS' AFFAIRS RESOURCES;
- 7 (I) SMALL BUSINESS PLANNING;
- 8 (J) FINANCIAL PLANNING AND EDUCATION; AND
- 9 (K) STATE PROGRAMS AND BENEFITS.

10 3. (A) THE DEPLOYMENT PHASE SHALL BE CONDUCTED BY THE UNITED STATES
11 NATIONAL GUARD BUREAU OFFICE OF REINTEGRATION PROGRAMS DEPLOYMENT CYCLE
12 SUPPORT TEAM MEMBERS AND CONSTITUTE THE PERIOD FROM DEPLOYMENT OF THE
13 MOBILIZED NATIONAL GUARD UNIT UNTIL THE UNIT ARRIVES AT A DEMOBILIZATION
14 STATION INSIDE THE CONTINENTAL UNITED STATES. EVENTS AND SERVICES
15 PROVIDED SHALL FOCUS ON THE CHALLENGES AND STRESS ASSOCIATED WITH SEPA-
16 RATION AND HAVING A SERVICE MEMBER IN A COMBAT ZONE. EVENTS AND SERVICES
17 INCLUDE SUPPORT ACTIVITIES LISTED IN PARAGRAPH (B) OF THIS SUBDIVISION
18 AND REINTEGRATION PREPARATION ACTIVITIES LISTED IN PARAGRAPH (C) OF THIS
19 SUBDIVISION. INFORMATION SESSIONS SHOULD UTILIZE STATE NATIONAL GUARD
20 RESOURCES IN COORDINATION WITH THE FEDERAL OFFICES RELATED THERETO.

21 (B) SUPPORT ACTIVITIES SHALL INCLUDE:

- 22 (I) YOUTH COUNSELING;
- 23 (II) FAMILY COUNSELING;
- 24 (III) COMMUNITY OUTREACH;
- 25 (IV) CONTINUED CONTACT WITH SPOUSES AND PARENTS;
- 26 (V) INFORMATION ON RESOURCES AVAILABLE TO FAMILY MEMBERS, TO INCLUDE
- 27 ACCESS TO MILITARY ONESOURCE AND CHILD CARE;
- 28 (VI) TRICARE AND HEALTHCARE;
- 29 (VII) MILITARY PAY AND ALLOWANCES; AND
- 30 (VIII) STATE PROGRAMS AND BENEFITS.

31 (C) REINTEGRATION PREPARATION ACTIVITIES SHALL BE CONDUCTED AS
32 FOLLOWS:

33 (I) FAMILY INFORMATION SESSIONS SHOULD PREPARE FAMILY MEMBERS FOR THE
34 HOMECOMING OF THEIR SERVICE MEMBER AND TO INFORM THEM ON WHAT THEY CAN
35 DO TO MAKE THIS TRANSITION AS EASY AS POSSIBLE. THE SESSIONS ARE
36 DESIGNED TO INCREASE THE FAMILY MEMBER'S KNOWLEDGE OF THE REINTEGRATION
37 PROCESS AND TO PROVIDE RESOURCES TO THEM AS THEY GO THROUGH THE STEPS OF
38 REINTEGRATION. INFORMATION SESSIONS SHOULD BE OFFERED AT LOCATIONS AND
39 TIMES SO AS TO ACCOMMODATE AS MANY FAMILY MEMBERS AS POSSIBLE.

40 (II) COMMUNITY INFORMATION SESSIONS SHOULD EDUCATE COMMUNITY LEADERS,
41 CLERGY, SCHOOLS, EMPLOYERS, MENTAL HEALTH PROFESSIONALS, AND FAMILY
42 READINESS GROUPS ABOUT THE CHALLENGES OF REINTEGRATION, AND WHAT THEY
43 CAN DO TO ASSIST COMBAT VETERANS AND THEIR FAMILIES TO SUCCESSFULLY
44 REINTEGRATE BACK INTO THE COMMUNITY. INFORMATION SESSIONS SHOULD BE
45 OFFERED AT LOCATIONS AND TIMES SO AS TO ACCOMMODATE AS MANY PARTICIPANTS
46 AS POSSIBLE.

47 4. (A) THE DEMOBILIZATION PHASE SHALL BE CONDUCTED BY THE UNITED
48 STATES NATIONAL GUARD BUREAU OFFICE OF REINTEGRATION PROGRAMS DEPLOYMENT
49 CYCLE SUPPORT TEAM MEMBERS AND CONSTITUTE THE PERIOD FROM ARRIVAL OF THE
50 NATIONAL GUARD UNIT AT THE DEMOBILIZATION STATION UNTIL ITS DEPARTURE
51 FOR HOME STATION. IN THE INTEREST OF RETURNING SERVICE MEMBERS AS SOON
52 AS POSSIBLE TO THEIR HOME STATIONS, REINTEGRATION BRIEFINGS DURING THE
53 DEMOBILIZATION PHASE SHALL BE MINIMIZED. THE NEW YORK STATE DEPLOYMENT
54 CYCLE SUPPORT TEAM SHALL ASSIST DEMOBILIZING SERVICE MEMBERS IN ENROLL-
55 ING FOR MEDICAL BENEFITS WITH THE UNITED STATES DEPARTMENT OF VETERANS
56 AFFAIRS DURING THE DEMOBILIZATION PHASE. THE NEW YORK STATE DEPLOYMENT

1 CYCLE SUPPORT TEAMS SHALL PROVIDE OTHER EVENTS FROM THE INITIAL REINTE-
2 GRATION ACTIVITY AS DETERMINED BY THE STATE OFFICE OF REINTEGRATION
3 PROGRAMS. REMAINING EVENTS SHALL BE CONDUCTED DURING THE POST-DEPLOYMENT
4 RECONSTITUTION PHASE.

5 (B) THE PURPOSE OF THIS REINTEGRATION PROGRAM IS TO EDUCATE SERVICE
6 MEMBERS ABOUT THE RESOURCES THAT ARE AVAILABLE TO THEM AND TO CONNECT
7 SERVICE MEMBERS TO SERVICE PROVIDERS WHO CAN ASSIST THEM IN OVERCOMING
8 THE CHALLENGES OF REINTEGRATION. THE INITIAL REINTEGRATION ACTIVITY
9 SHALL INCLUDE, BUT IS NOT LIMITED TO:

10 (I) INFORMING SERVICE MEMBERS OF THEIR VETERANS' BENEFITS;

11 (II) ASSISTING WITH UNEMPLOYMENT AND ENROLLMENT IN EMPLOYMENT TRANSI-
12 TION SERVICES;

13 (III) A DRIVER SAFETY BRIEFING GIVEN BY QUALIFIED LAW ENFORCEMENT
14 OFFICIALS;

15 (IV) IDENTIFICATION OF HIGH-RISK SERVICE MEMBERS AND ESTABLISHMENT OF
16 PLANS FOR FOLLOW-ON CARE;

17 (V) IDENTIFICATION OF SERVICE MEMBERS REQUIRING FOLLOW-ON HEALTH CARE;

18 (VI) LEGAL BRIEFINGS AND LEGAL ASSISTANCE; AND

19 (VII) AN OPPORTUNITY FOR SEXUAL ASSAULT VICTIMS TO CONFIDENTIALLY
20 REPORT SUCH CRIMES.

21 5. (A) THE POST-DEPLOYMENT RECONSTITUTION PHASE SHALL BE CONDUCTED BY
22 UNITED STATES NATIONAL GUARD BUREAU OFFICE OF REINTEGRATION PROGRAMS
23 DEPLOYMENT CYCLE SUPPORT TEAM MEMBERS AND CONSTITUTE THE PERIOD FROM
24 ARRIVAL AT HOME STATION UNTIL ONE HUNDRED EIGHTY DAYS FOLLOWING DEMOBI-
25 LIZATION. ACTIVITIES AND SERVICES PROVIDED SHALL FOCUS ON RECONNECTING
26 SERVICE MEMBERS WITH THEIR FAMILIES AND COMMUNITIES AND PROVIDING
27 RESOURCES AND INFORMATION NECESSARY FOR SUCCESSFUL REINTEGRATION. REIN-
28 TEGRATION EVENTS SHALL BEGIN WITH ELEMENTS OF THE INITIAL REINTEGRATION
29 ACTIVITY PROGRAM THAT WERE NOT COMPLETED DURING THE DEMOBILIZATION
30 PHASE.

31 (B) THE STATE OFFICE OF REINTEGRATION PROGRAMS SHALL HOLD REINTE-
32 GRATION ACTIVITIES AT THE THIRTY-DAY, SIXTY-DAY, AND NINETY-DAY INTERVAL
33 FOLLOWING DEMOBILIZATION IN COORDINATION WITH THE DIVISION OF MILITARY
34 AND NAVAL AFFAIRS. THESE ACTIVITIES SHALL FOCUS ON RECONNECTING SERVICE
35 MEMBERS AND FAMILY MEMBERS WITH THE SERVICE PROVIDERS FROM INITIAL REIN-
36 TEGRATION ACTIVITY TO ENSURE SERVICE MEMBERS AND THEIR FAMILIES UNDER-
37 STAND WHAT BENEFITS THEY ARE ENTITLED TO AND WHAT RESOURCES ARE AVAIL-
38 ABLE TO HELP THEM OVERCOME THE CHALLENGES OF REINTEGRATION. THE
39 REINTEGRATION ACTIVITIES SHOULD ALSO PROVIDE A FORUM FOR SERVICE MEMBERS
40 AND FAMILIES TO ADDRESS NEGATIVE BEHAVIORS RELATED TO COMBAT STRESS AND
41 TRANSITION. ONE OF THE REINTEGRATION ACTIVITIES SHALL BE FOR SERVICE
42 MEMBERS TO CONDUCT A THOROUGH POST-DEPLOYMENT HEALTH REASSESSMENT OF
43 COMBAT VETERANS AND PROVIDE ANY REMAINING MEDICAL OR DENTAL SERVICES.
44 ACTIVITIES, EVENTS, AND SERVICES PROVIDED AT THE THIRTY-DAY, SIXTY-DAY,
45 AND NINETY-DAY REINTEGRATION ACTIVITIES SHALL INCLUDE, BUT NOT BE LIMIT-
46 ED TO:

47 (I) BATTLEMIND TRAINING II FOR SERVICE MEMBERS AND THEIR FAMILIES;

48 (II) PREVENTION AND RELATIONSHIP ENHANCEMENT PROGRAM MARRIAGE ENRICH-
49 MENT WORKSHOP TO FOCUS ON ASSISTING SERVICE MEMBERS TO RECONNECT WITH
50 THEIR SPOUSES;

51 (III) SINGLE SERVICE MEMBER CHALLENGES WORKSHOP;

52 (IV) PARENTING WORKSHOP TO ASSIST SERVICE MEMBERS TO RECONNECT WITH
53 THEIR CHILDREN;

54 (V) LOCAL SERVICES STATION PROGRAM WITH REPRESENTATIVES FROM LEGAL,
55 TRICARE, EDUCATION SERVICES, THE DIVISION OF VETERANS' AFFAIRS, STATE
56 VETERANS CENTERS, STATE WORKFORCE OFFICES, CHAPLAIN'S OFFICE, COUNTY

1 VETERANS SERVICE OFFICERS, MILITARY ONESOURCE, STATE TAX OFFICIALS,
2 STATE YOUTH PROGRAMS, AND NATIONAL GUARD UNIT ADMINISTRATION OFFICES;
3 (VI) ANGER MANAGEMENT WORKSHOP;
4 (VII) SUBSTANCE ABUSE WORKSHOP;
5 (VIII) GAMBLING ABUSE WORKSHOP;
6 (IX) LAW ENFORCEMENT BRIEFING;
7 (X) TRICARE AND MILITARY ONESOURCE REPRESENTATIVES;
8 (XI) POST-DEPLOYMENT HEALTH REASSESSMENT WITH ON-SITE SUPPORT FROM THE
9 FEDERAL DEPARTMENT OF VETERANS AFFAIRS MEDICAL CENTERS, REPRESENTATIVES
10 FROM THE DIVISION OF VETERANS' AFFAIRS, AND CASE MANAGERS PROVIDED BY
11 THE DEPARTMENT OF DEFENSE; AND
12 (XII) REINTEGRATION PROGRAM ASSESSMENT.

13 6. (A) THE DIRECTOR OF REINTEGRATION, IN COOPERATION WITH THE DIVISION
14 OF MILITARY AND NAVAL AFFAIRS, THE DIVISION OF VETERANS' AFFAIRS, THE
15 DEPARTMENT OF HEALTH, THE OFFICE OF MENTAL HEALTH, THE OFFICE OF MENTAL
16 RETARDATION AND DEVELOPMENTAL DISABILITIES AND THE OFFICE OF ALCOHOLISM
17 AND SUBSTANCE ABUSE SERVICES, SHALL ESTABLISH A PROGRAM TO MONITOR AND
18 COORDINATE MENTAL HEALTH AND REHABILITATIVE SERVICES SUPPORT FOR VETER-
19 ANS AND MEMBERS OF THE NATIONAL GUARD AND RESIDENTS IN THE ARMED FORCES
20 RESERVES NOT IN ACTIVE FEDERAL SERVICE. THE PROGRAM SHALL ALSO SUPPORT
21 FAMILY MEMBERS AFFECTED BY COVERED MILITARY MEMBERS' SERVICE AND DEPLOY-
22 MENTS. THE PURPOSE OF THE PROGRAM IS TO ENSURE THAT ADEQUATE AND TIMELY
23 ASSESSMENT, TREATMENT, AND SUPPORT ARE AVAILABLE TO VETERANS, SERVICE
24 MEMBERS, AND AFFECTED FAMILY MEMBERS.

25 (B) THE PROGRAM SHALL FACILITATE SUPPORT FOR COVERED INDIVIDUALS TO
26 PROVIDE TIMELY ASSESSMENT AND TREATMENT FOR STRESS-RELATED INJURIES AND
27 TRAUMATIC BRAIN INJURIES RESULTING FROM SERVICE IN COMBAT AREAS, AND
28 SUBJECT TO THE AVAILABILITY OF PUBLIC AND PRIVATE FUNDS APPROPRIATED FOR
29 THEM, CASE MANAGEMENT SERVICES, OUTPATIENT, FAMILY SUPPORT, AND OTHER
30 APPROPRIATE BEHAVIORAL HEALTH AND BRAIN INJURY SERVICES NECESSARY TO
31 PROVIDE INDIVIDUAL SERVICES AND SUPPORT TO MILITARY SERVICE MEMBERS AND
32 THEIR FAMILY MEMBERS COVERED BY THIS SECTION.

33 7. SERVICE MEMBERS SHALL RECEIVE APPROPRIATE PAY FOR DAYS SPENT
34 ATTENDING THE REINTEGRATION ACTIVITIES.

35 S 345. POST-TRAUMATIC STRESS DISORDER AND TRAUMATIC BRAIN INJURY QUES-
36 TIONNAIRES. 1. AN OFFICER OR ENLISTED PERSON SERVING IN THE NATIONAL
37 GUARD WHILE UNDER STATE JURISDICTION SHALL TAKE A DIVISION-ADMINISTERED
38 POST-TRAUMATIC STRESS DISORDER QUESTIONNAIRE AND A TRAUMATIC BRAIN INJU-
39 RY QUESTIONNAIRE UNDER THE SUPERVISION OF THE DIRECTOR OF REINTEGRATION
40 BEFORE BEING DEPLOYED IN OPERATION IRAQI FREEDOM, OPERATION ENDURING
41 FREEDOM, OR ANY OTHER OVERSEAS SERVICE PURSUANT TO ANY FUTURE DECLARA-
42 TION OF WAR BY THE UNITED STATES CONGRESS OR THE BEGINNING OF AN EMER-
43 GENCY CONDITION RECOGNIZED BY THE ISSUANCE OF A PRESIDENTIAL PROCLAMA-
44 TION OR A PRESIDENTIAL EXECUTIVE ORDER.

45 2. AN OFFICER OR ENLISTED PERSON SERVING IN THE NATIONAL GUARD WITHIN
46 NINETY DAYS OF HIS OR HER RETURN TO STATE JURISDICTION FROM OPERATION
47 IRAQI FREEDOM, OPERATION ENDURING FREEDOM, OR ANY OTHER OVERSEAS SERVICE
48 PURSUANT TO ANY FUTURE DECLARATION OF WAR BY THE UNITED STATES CONGRESS
49 OR THE BEGINNING OF AN EMERGENCY CONDITION RECOGNIZED BY THE ISSUANCE OF
50 A PRESIDENTIAL PROCLAMATION OR A PRESIDENTIAL EXECUTIVE ORDER SHALL TAKE
51 A DIVISION-ADMINISTERED POST-TRAUMATIC STRESS DISORDER QUESTIONNAIRE AND
52 A TRAUMATIC BRAIN INJURY QUESTIONNAIRE UNDER THE SUPERVISION OF THE
53 DIRECTOR OF REINTEGRATION.

54 3. AN OFFICER OR ENLISTED PERSON SERVING IN THE NATIONAL GUARD AND WHO
55 HAS RETURNED TO STATE JURISDICTION FROM OPERATION IRAQI FREEDOM OR OPER-
56 ATION ENDURING FREEDOM SHALL TAKE A DIVISION-ADMINISTERED POST-TRAUMATIC

1 STRESS DISORDER QUESTIONNAIRE AND A TRAUMATIC BRAIN INJURY QUESTIONNAIRE
2 UNDER THE SUPERVISION OF THE DIRECTOR OF REINTEGRATION.

3 4. THE OFFICER OR ENLISTED PERSON IS EXEMPT FROM THE DIVISION-ADMINIS-
4 TERED POST-TRAUMATIC STRESS DISORDER AND TRAUMATIC BRAIN INJURY REQUIRE-
5 MENTS IF HE OR SHE HAS COMPLETED SIMILAR QUESTIONNAIRES APPROVED BY THE
6 UNITED STATES DEPARTMENT OF VETERANS AFFAIRS OR THE UNITED STATES
7 DEPARTMENT OF DEFENSE WHILE UNDER THE CONTROL OF THE FEDERAL GOVERNMENT.

8 5. AN OFFICER OR ENLISTED PERSON WHO HAS BEEN DISCHARGED FROM THE
9 NATIONAL GUARD, AN ACTIVE DUTY SERVICE MEMBER RESIDING IN NEW YORK, OR A
10 FEDERAL RESERVIST RESIDING IN NEW YORK WHO HAS BEEN DEPLOYED IN OPERA-
11 TION IRAQI FREEDOM OR OPERATION ENDURING FREEDOM MAY TAKE A DIVISION-AD-
12 MINISTERED POST-TRAUMATIC STRESS DISORDER QUESTIONNAIRE AND A TRAUMATIC
13 BRAIN INJURY QUESTIONNAIRE FREE OF CHARGE UNDER THE SUPERVISION OF THE
14 DIRECTOR OF REINTEGRATION.

15 6. THE QUESTIONNAIRES SHALL BE DEVELOPED BY THE ADJUTANT GENERAL WITH
16 THE ASSISTANCE OF THE DIRECTOR OF REINTEGRATION, ANY STATEWIDE ASSOCI-
17 ATIONS SPECIALIZING IN TRAUMATIC BRAIN INJURIES AND THE OFFICE OF MENTAL
18 HEALTH AND SHALL BE APPROVED BY THE UNITED STATES DEPARTMENT OF VETERANS
19 AFFAIRS OR THE UNITED STATES DEPARTMENT OF DEFENSE.

20 7. ALL POST-TRAUMATIC STRESS DISORDER AND TRAUMATIC BRAIN INJURY QUES-
21 TIONNAIRES SHALL BE STORED AS ELECTRONIC DOCUMENTS BY THE DIVISION.

22 S 2. Subdivision 1 of section 2744 of the public health law, as added
23 by chapter 196 of the laws of 1994, is amended to read as follows:

24 1. The traumatic brain injury services coordinating council is hereby
25 established and shall consist of the following persons or their desig-
26 nees: the commissioner, the commissioner of mental retardation and
27 developmental disabilities, the office of mental health, the commission-
28 er of education, the commissioner of alcoholism and substance abuse
29 services, the commissioner of social services, THE ADJUTANT GENERAL, THE
30 STATE DIRECTOR OF REINTEGRATION, THE DIRECTOR OF THE DIVISION OF VETER-
31 ANS' AFFAIRS, the state advocate for the disabled and the commission on
32 quality of care for the mentally disabled. In addition, the council
33 shall consist of the following persons: five persons appointed by the
34 governor, three of whom shall be persons with traumatic brain injury and
35 two of whom shall be representative of the public and have a demon-
36 strated expertise and interest in traumatic brain injury; two persons
37 appointed by the temporary president of the senate, one of whom shall be
38 a person with traumatic brain injury and one of whom shall be represen-
39 tative of the public and have a demonstrated expertise and interest in
40 traumatic brain injury; two persons appointed by the speaker of the
41 assembly, one of whom shall be a person with traumatic brain injury and
42 one of whom shall be representative of the public and have a demon-
43 strated expertise and interest in traumatic brain injury, one person
44 appointed by the minority leader of the senate who shall be a person
45 with traumatic brain injury or be representative of the public and have
46 a demonstrated expertise and interest in traumatic brain injury; and one
47 person appointed by the minority leader of the assembly who shall be a
48 person with traumatic brain injury or be representative of the public
49 and have a demonstrated expertise and interest in traumatic brain inju-
50 ry. Of the five persons appointed by the governor, three shall serve for
51 a term of one year, one shall serve for a term of two years and one
52 shall serve for a term of three years. Of the two persons appointed by
53 the temporary president of the senate, one shall serve for a term of two
54 years and one shall serve for a term of three years. Of the two persons
55 appointed by the speaker of the assembly, one shall serve for a term of
56 two years and one shall serve for a term of three years. The person

1 appointed by the minority leader of the senate and the person appointed
2 by the minority leader of the assembly shall serve for a term of one
3 year. Subsequent appointments for vacancies shall be for a term of three
4 years and shall be filled in the same manner as the original appoint-
5 ment.

6 S 3. Subdivision 1 of section 3803 of the public health law, as
7 amended by chapter 743 of the laws of 2006, is amended to read as
8 follows

9 1. There is hereby created within the department the veterans health
10 care information program (referred to in this section as the "program"),
11 which shall provide information on health issues associated with mili-
12 tary duty, including but not limited to Agent Orange, Gulf War
13 Syndromes, toxic materials or harmful physical agents such as, depleted
14 uranium, and EXPOSURE TO IONIZING RADIATION AS THE RESULT OF ATOMIC
15 WEAPONS TESTS CONDUCTED BY THE UNITED STATES BETWEEN NINETEEN HUNDRED
16 FORTY-FIVE AND NINETEEN HUNDRED SIXTY-THREE, hepatitis C AND SPECIFIC
17 MENTAL AND PHYSICAL HEALTH ISSUES INCLUDING POST-TRAUMATIC STRESS DISOR-
18 DER AND BRAIN-RELATED INJURIES, for veterans, their surviving spouses
19 and health care providers.

20 S 4. The executive law is amended by adding a new section 366-a to
21 read as follows:

22 S 366-A. VETERANS' HEALTH SCREENING FOR TRAUMATIC BRAIN INJURY AND
23 POST-TRAUMATIC STRESS DISORDER. 1. AS USED IN THIS SECTION: (A) "ELIGI-
24 BLE MEMBER" MEANS A MEMBER WHO SERVED UNDER TITLE TEN OF THE UNITED
25 STATES CODE IN AN AREA DESIGNATED AS A COMBAT ZONE BY EXECUTIVE ORDERS
26 NOS. 12744 AND 13239 OF THE PRESIDENT OF THE UNITED STATES.

27 (B) "MEMBER" MEANS A MEMBER OF THE ARMED FORCES OF THE UNITED STATES,
28 INCLUDING THE NEW YORK NATIONAL GUARD, WHO IS A RESIDENT OF THIS STATE.

29 (C) "VETERAN" MEANS A PERSON, MALE OR FEMALE, RESIDENT OF THIS STATE,
30 WHO HAS SERVED IN THE ACTIVE MILITARY, NAVAL OR AIR SERVICE OF THE
31 UNITED STATES DURING A TIME OF WAR IN WHICH THE UNITED STATES ENGAGED
32 AND WHO HAS BEEN RELEASED FROM SUCH SERVICE OTHERWISE THAN BY DISHONOR-
33 ABLE DISCHARGE, OR WHO HAS BEEN FURLOUGHED TO THE RESERVE.

34 2. THE STATE DIRECTOR, OR HIS OR HER DESIGNEES, SHALL ASSIST ANY
35 ELIGIBLE MEMBER OR VETERAN WHO RETURNS OR HAS RETURNED TO THIS STATE IN
36 OBTAINING AN APPROPRIATE HEALTH SCREENING TEST FOR TRAUMATIC BRAIN INJU-
37 RY AND POST-TRAUMATIC STRESS DISORDER. THE ELIGIBLE MEMBER OR VETERAN
38 MUST RETURN OR HAVE RETURNED TO THIS STATE AFTER SERVICE.

39 3. (A) IN ORDER TO EFFECTIVELY PROVIDE THE ASSISTANCE REQUIRED BY
40 SUBDIVISION TWO OF THIS SECTION, THE STATE DIRECTOR, OR HIS OR HER
41 DESIGNEES, SHALL DEVELOP AND IMPLEMENT A PLAN FOR OUTREACH TO ELIGIBLE
42 MEMBERS AND VETERANS WHO HAVE RETURNED FROM COMBAT. THE DIRECTOR OF
43 REINTEGRATION, OR HIS OR HER DESIGNEE, SHALL ALSO DEVELOP AND IMPLEMENT
44 A PLAN FOR OUTREACH TO ELIGIBLE MEMBERS OF THE NEW YORK NATIONAL GUARD
45 WHO HAVE RETURNED FROM COMBAT AND REMAIN ON DUTY IN ORDER TO EFFECTIVELY
46 PROVIDE THE SERVICE REQUIRED BY SUBDIVISION TWO OF THIS SECTION.

47 (B) EACH OUTREACH PLAN SHALL PROVIDE INFORMATION TO ELIGIBLE MEMBERS
48 AND VETERANS CONCERNING TRAUMATIC BRAIN INJURY AND POST-TRAUMATIC STRESS
49 DISORDER, THE POSSIBLE IMPACTS ASSOCIATED WITH TRAUMATIC BRAIN INJURY
50 AND POST-TRAUMATIC STRESS DISORDER, AND THE RIGHT TO SCREENING SERVICES.

51 S 5. The criminal procedure law is amended by adding a new section
52 220.16 to read as follows:

53 S 220.16 NOT RESPONSIBLE BY REASON OF MENTAL DISEASE OR DEFECT STEMMING
54 FROM SERVICE IN A COMBAT ZONE.

55 1. THE DEFENDANT MAY ENTER A PLEA OF NOT RESPONSIBLE BY REASON OF
56 MENTAL DISEASE, INCLUDING POST-TRAUMATIC STRESS DISORDER, STEMMING FROM

1 SERVICE IN A COMBAT ZONE IN THE UNITED STATES ARMED FORCES. THE COURT
2 SHALL CONDUCT A HEARING PRIOR TO ACCEPTING SUCH A PLEA TO DETERMINE
3 WHETHER THE DEFENDANT:

4 (A) HAS BEEN CERTIFIED BY THE DIRECTOR OF THE DIVISION OF VETERANS
5 AFFAIRS AS HAVING SERVED IN THE ARMED FORCES OF THE UNITED STATES OF
6 AMERICA IN A COMBAT ZONE, AS DEFINED IN SECTION ONE HUNDRED TWELVE OF
7 THE FEDERAL INTERNAL REVENUE CODE OF NINETEEN EIGHTY-SIX;

8 (B) SUFFERS FROM MENTAL DISEASE OR DEFECT; AND

9 (C) SUCH MENTAL DISEASE OR DEFECT WAS CAUSED OR EXACERBATED BY EVENTS
10 OCCURRING DURING SUCH DEFENDANT'S SERVICE IN A COMBAT ZONE.

11 2. BEFORE ACCEPTING A PLEA OF NOT RESPONSIBLE BY REASON OF MENTAL
12 DISEASE STEMMING FROM SERVICE IN A COMBAT ZONE, THE COURT MUST ADDRESS
13 THE DEFENDANT IN THE MANNER SET FORTH IN SUBDIVISIONS THREE AND FOUR OF
14 SECTION 220.15 OF THIS ARTICLE AND MAKE A FINDING AS SET FORTH IN SUBDI-
15 VISION FIVE OF SECTION 220.15 OF THIS ARTICLE.

16 3. IF THE COURT DETERMINES THAT SUCH DEFENDANT MEETS THE CRITERIA
17 PROVIDED IN SUBDIVISION ONE OF THIS SECTION AND SUCH DEFENDANT'S CURRENT
18 CRIME OF CONVICTION AND CRIMINAL HISTORY DO NOT WARRANT A SENTENCE OF
19 IMPRISONMENT PURSUANT TO THE PROVISIONS OF TITLE E OF PART 2 OF THE
20 PENAL LAW AND IN THE COURT'S DISCRETION AS AVAILABLE PURSUANT TO SUCH
21 TITLE, THE COURT MAY ORDER SUCH DEFENDANT TO UNDERGO TREATMENT FROM ANY
22 TREATMENT FACILITY, INCLUDING ANY FACILITY THAT PROVIDES SERVICES FOR
23 VETERANS, ON AN OUTPATIENT BASIS OR AN INPATIENT BASIS WITH THE CONSENT
24 OF THE DEFENDANT.

25 4. NOTHING IN THIS SECTION SHALL BE CONSTRUED TO LIMIT THE COURT'S
26 AUTHORITY TO ORDER ANY OTHER SANCTION OR TO TREAT THE DEFENDANT'S PLEA
27 AS A PLEA OF NOT RESPONSIBLE BY REASON OF MENTAL DISEASE OR DEFECT
28 PURSUANT TO SECTION 220.15 OF THIS ARTICLE, SUBJECT TO THE PROVISIONS OF
29 SUCH SECTION, AND THEREFORE APPLY THE PROCEDURES SET FORTH IN SECTION
30 330.20 OF THIS TITLE.

31 S 6. Section 353 of the executive law is amended by adding a two new
32 subdivisions 20 and 21 to read as follows:

33 20. TO WORK WITH TRAUMATIC BRAIN INJURY SERVICES COORDINATING COUNCIL
34 TO ESTABLISH A PROGRAM FOR MENTAL HEALTH AND REHABILITATIVE SERVICES FOR
35 NEW YORK VETERANS AND MEMBERS OF THE NEW YORK NATIONAL GUARD AND NEW
36 YORK RESIDENTS IN THE ARMED FORCES RESERVES NOT IN ACTIVE FEDERAL
37 SERVICE AND THEIR FAMILY MEMBERS CONSISTENT WITH THE PROGRAMS AND
38 SERVICES ESTABLISHED IN ARTICLE FOURTEEN OF THE MILITARY LAW.

39 21. PROVIDE CERTIFICATION OF SERVICE OF A VETERAN OF THE ARMED FORCES
40 OF THE UNITED STATES OF AMERICA IN A COMBAT ZONE TO ANY SENTENCING JUDGE
41 REQUESTING SUCH CERTIFICATION PURSUANT TO SECTION 220.16 OF THE CRIMINAL
42 PROCEDURE LAW.

43 S 7. Section 7.09 of the mental hygiene law is amended by adding a new
44 subdivision (k) to read as follows:

45 (K) THE COMMISSION, IN COOPERATION WITH THE TRAUMATIC BRAIN INJURY
46 SERVICES COORDINATING COUNCIL, SHALL ESTABLISH A PROGRAM FOR MENTAL
47 HEALTH AND REHABILITATIVE SERVICES FOR NEW YORK VETERANS AND MEMBERS OF
48 THE NEW YORK NATIONAL GUARD AND NEW YORK RESIDENTS IN THE ARMED FORCES
49 RESERVES NOT IN ACTIVE FEDERAL SERVICE AND THEIR FAMILY MEMBERS CONSIST-
50 ENT WITH THE PROGRAMS AND SERVICES ESTABLISHED IN ARTICLE FOURTEEN OF
51 THE MILITARY LAW.

52 S 8. Section 19.09 of the mental hygiene law is amended by adding a
53 new subdivision (i) to read as follows:

54 (I) TO WORK WITH THE TRAUMATIC BRAIN INJURY SERVICES COORDINATING
55 COUNCIL TO ESTABLISH A PROGRAM FOR MENTAL HEALTH AND REHABILITATIVE
56 SERVICES FOR NEW YORK VETERANS AND MEMBERS OF THE NEW YORK NATIONAL

1 GUARD AND NEW YORK RESIDENTS IN THE ARMED FORCES RESERVES NOT IN ACTIVE
2 FEDERAL SERVICE AND THEIR FAMILY MEMBERS CONSISTENT WITH THE PROGRAMS
3 AND SERVICES ESTABLISHED IN ARTICLE FOURTEEN OF THE MILITARY LAW.

4 S 9. The sum of five hundred thousand dollars (\$500,000), or so much
5 thereof as may be necessary, is hereby appropriated to the division of
6 military and naval affairs out of any moneys in the state treasury in
7 the general fund to the credit of the state purposes account, not other-
8 wise appropriated, and made immediately available, for the purpose of
9 carrying out the provisions of section one of this act. Such moneys
10 shall be payable on the audit and warrant of the comptroller on vouchers
11 certified or approved by the adjutant general in the manner prescribed
12 by law.

13 S 10. This act shall take effect on the one hundred eightieth day
14 after it shall have become a law; provided, however, that effective
15 immediately, the addition, amendment and/or repeal of any rule or regu-
16 lation necessary for the implementation of this act on its effective
17 date are authorized and directed to be made and completed on or before
18 such effective date.