

9747

I N A S S E M B L Y

May 20, 2014

Introduced by M. of A. CLARK -- read once and referred to the Committee on Ways and Means

AN ACT to amend the state finance law and the public health law, in relation to the creation of the traumatic brain injury trust fund

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

1 Section 1. The state finance law is amended by adding a new section
2 99-w to read as follows:
3 S 99-w. TRAUMATIC BRAIN INJURY TRUST FUND. 1. THERE IS HEREBY ESTAB-
4 LISHED IN THE JOINT CUSTODY OF THE STATE COMPTROLLER AND THE COMMISSION-
5 ER OF TAXATION AND FINANCE A FUND TO BE KNOWN AS THE TRAUMATIC BRAIN
6 INJURY TRUST FUND.
7 2. SUCH FUND SHALL CONSIST OF ALL MONEYS APPROPRIATED FOR THE PURPOSE
8 OF SUCH FUND AND ALL MONEYS TRANSFERRED TO SUCH FUND PURSUANT TO LAW.
9 ANY INTEREST EARNED BY THE INVESTMENT OF MONEYS IN SUCH FUND SHALL BE
10 ADDED TO SUCH FUND, BECOME A PART OF SUCH FUND, AND BE USED FOR THE
11 PURPOSE OF SUCH FUND.
12 3. MONIES OF THE FUND SHALL BE EXPENDED ONLY TO QUALIFIED INDIVIDUALS
13 NOT ELIGIBLE FOR MEDICAID FUNDED, OR OTHERWISE INSURANCE COVERED, TRAU-
14 MATIC BRAIN INJURY PROGRAMS AND SERVICES. SUCH FUND SHALL BE A PAYER OF
15 LAST RESORT FOR ALL APPLICABLE SUPPORTS AND SERVICES. A QUALIFIED INDI-
16 VIDUAL MUST:
17 (A) PROVIDE MEDICAL DOCUMENTATION OF A TRAUMATIC BRAIN INJURY, AS
18 DEFINED BY SECTION TWO THOUSAND SEVEN HUNDRED FORTY-ONE OF THE PUBLIC
19 HEALTH LAW;
20 (B) BE A NEW YORK RESIDENT FOR AT LEAST NINETY CONSECUTIVE DAYS PRIOR
21 TO APPLICATION DATE; AND
22 (C) HAVE LESS THAN ONE HUNDRED THOUSAND DOLLARS IN LIQUID ASSETS.
23 4. MONIES SHALL BE PAYABLE FROM THE FUND ON THE AUDIT AND WARRANT OF
24 THE COMPTROLLER ON VOUCHERS APPROVED AND CERTIFIED BY THE COMMISSIONER
25 OF HEALTH. ANNUALLY, PAYMENTS FROM THE FUND SHALL BE CAPPED AT THREE
26 THOUSAND DOLLARS PER INDIVIDUAL, WITH A LIFETIME CAP OF ONE HUNDRED
27 THOUSAND DOLLARS PER INDIVIDUAL.

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

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1 S 2. Subdivisions 9 and 10 of section 2742 of the public health law,
2 as added by chapter 196 of the laws of 1994, are amended and a new
3 subdivision 11 is added to read as follows:
4 9. to develop training programs for persons providing discharge plans
5 and case management; [and]
6 10. to develop standards for licensing or certifying residential and
7 non-residential services for persons with traumatic brain injury to the
8 extent that such services are not otherwise subject to the jurisdiction
9 of another state agency[.]; AND
10 11. TO ADMINISTER THE TRAUMATIC BRAIN INJURY TRUST FUND, ESTABLISHED
11 IN SECTION NINETY-NINE-W OF THE STATE FINANCE LAW.
12 S 3. This act shall take effect immediately.