

2664--B

2013-2014 Regular Sessions

I N   S E N A T E

January 23, 2013

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Introduced by Sens. BALL, ADDABBO, LARKIN, RANZENHOFER -- read twice and ordered printed, and when printed to be committed to the Committee on Transportation -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the public health law and the vehicle and traffic law, in relation to establishing identification cards for persons with traumatic brain injuries; and to amend the state finance law, in relation to establishing the New York state traumatic brain injury fund

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

1     Section 1. Subdivisions 9 and 10 of section 2742 of the public health  
2 law, as added by chapter 196 of the laws of 1994, are amended and two  
3 new subdivisions 11 and 12 are 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[.];  
10     11. TO DEVELOP PROCEDURES, STANDARDS, RULES AND REGULATIONS FOR THE  
11 ASSISTING OF OPERATORS OF MOTOR VEHICLES WITH A TRAUMATIC BRAIN INJURY  
12 DURING TRAFFIC STOPS AS PROVIDED IN SECTION FOUR HUNDRED FOUR-X OF THE  
13 VEHICLE AND TRAFFIC LAW; AND  
14     12. TO ESTABLISH AN APPLICATION FOR AND ISSUE IDENTIFICATION CARDS TO  
15 PERSONS WITH TRAUMATIC BRAIN INJURIES FOR THE PURPOSES OF SECTION FOUR  
16 HUNDRED FOUR-X OF THE VEHICLE AND TRAFFIC LAW.  
17     S 2. The vehicle and traffic law is amended by adding a new section  
18 404-x to read as follows:

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

LBD07294-05-3

1 S 404-X. IDENTIFICATION CARD FOR NEW YORK STATE PERSONS WITH TRAUMAT-  
2 IC BRAIN INJURIES. 1. AS USED IN THIS SECTION, THE FOLLOWING TERMS SHALL  
3 HAVE THE FOLLOWING MEANINGS:

4 (A) A "PERSON WITH A TRAUMATIC BRAIN INJURY" SHALL MEAN ANY PERSON WHO  
5 HAS AN ACQUIRED INJURY TO THE BRAIN CAUSED BY AN EXTERNAL PHYSICAL FORCE  
6 RESULTING IN TOTAL OR PARTIAL DISABILITY OR IMPAIRMENT AND SHALL INCLUDE  
7 BUT NOT BE LIMITED TO DAMAGE TO THE CENTRAL NERVOUS SYSTEM FROM  
8 ANOXIC/HYPOXIC EPISODES OR DAMAGE TO THE CENTRAL NERVOUS SYSTEM FROM  
9 ALLERGIC CONDITIONS, TOXIC SUBSTANCES AND OTHER ACUTE MEDICAL/CLINICAL  
10 INCIDENTS. SUCH INJURIES SHALL INCLUDE, BUT NOT BE LIMITED TO, OPEN AND  
11 CLOSED BRAIN INJURIES THAT MAY RESULT IN MILD, MODERATE OR SEVERE  
12 IMPAIRMENTS IN ONE OR MORE AREAS, INCLUDING COGNITION, LANGUAGE, MEMORY,  
13 ATTENTION, REASONING, ABSTRACT THINKING, JUDGMENT, PROBLEM-SOLVING,  
14 SENSORY PERCEPTUAL AND MOTOR ABILITIES, PSYCHO-SOCIAL BEHAVIOR, PHYSICAL  
15 FUNCTIONS, INFORMATION PROCESSING AND SPEECH. SUCH INJURIES SHALL NOT  
16 INCLUDE PROGRESSIVE DEMENTIAS AND OTHER MENTALLY IMPAIRING CONDITIONS,  
17 DEPRESSION AND PSYCHIATRIC DISORDERS IN WHICH THERE IS NO KNOWN OR OBVI-  
18 OUS CENTRAL NERVOUS SYSTEM DAMAGE, NEUROLOGICAL, METABOLIC AND OTHER  
19 MEDICAL CONDITIONS OF CHRONIC, CONGENITAL OR DEGENERATIVE NATURE OR  
20 BRAIN INJURIES INDUCED BY BIRTH TRAUMA.

21 (B) AN "IDENTIFICATION CARD" SHALL MEAN SUCH IDENTIFICATION AS ISSUED  
22 BY THE DEPARTMENT OF HEALTH WHICH IDENTIFIES THE DRIVER AS A PERSON WITH  
23 A TRAUMATIC BRAIN INJURY, AS DEFINED IN THIS SECTION, AND WHICH DETAILS  
24 THE APPROPRIATE PROCEDURES FOR ASSISTING A PERSON WITH A TRAUMATIC BRAIN  
25 INJURY DRIVER DURING A TRAFFIC STOP AS PROMULGATED BY THE DEPARTMENT OF  
26 HEALTH AND THE DIVISION OF CRIMINAL JUSTICE SERVICES PURSUANT TO THIS  
27 SECTION.

28 2. ANY PERSON RESIDING IN THIS STATE, UPON REQUEST AND ACCOMPANIED BY  
29 A DOCTOR'S STATEMENT INDICATING THAT THEY ARE A PERSON WITH A TRAUMATIC  
30 BRAIN INJURY, SHALL BE ISSUED AN IDENTIFICATION CARD FOR PERSONS WITH  
31 TRAUMATIC BRAIN INJURY OF A DESIGN APPROVED BY THE COMMISSIONER OF  
32 HEALTH. APPLICATION FOR SUCH IDENTIFICATION CARD SHALL BE FILED WITH THE  
33 COMMISSIONER OF HEALTH IN SUCH FORM AND DETAIL AS SUCH COMMISSIONER, IN  
34 CONSULTATION WITH THE COMMISSIONER AND THE COMMISSIONER OF CRIMINAL  
35 JUSTICE SERVICES, SHALL PRESCRIBE.

36 3. SUCH IDENTIFICATION CARD ISSUED PURSUANT TO THIS SECTION SHALL BE  
37 ISSUED UPON THE PAYMENT OF AN ANNUAL SERVICE CHARGE OF TEN DOLLARS.  
38 SUCH ANNUAL SERVICE CHARGE SHALL BE DEPOSITED TO THE CREDIT OF THE "NEW  
39 YORK STATE TRAUMATIC BRAIN INJURY FUND" ESTABLISHED PURSUANT TO SECTION  
40 NINETY-SEVEN-LLLL OF THE STATE FINANCE LAW AND SHALL BE USED FOR  
41 PROGRAMS FOR PERSONS WITH TRAUMATIC BRAIN INJURY PURSUANT TO SECTION  
42 NINETY-SEVEN-LLLL OF THE STATE FINANCE LAW.

43 S 3. The state finance law is amended by adding a new section 97-llll  
44 to read as follows:

45 S 97-LLLL. THE NEW YORK STATE TRAUMATIC BRAIN INJURY FUND. 1. THERE  
46 IS HEREBY ESTABLISHED IN THE JOINT CUSTODY OF THE COMMISSIONER OF TAXA-  
47 TION AND FINANCE AND THE COMPTROLLER, A SPECIAL FUND TO BE KNOWN AS THE  
48 NEW YORK STATE TRAUMATIC BRAIN INJURY FUND.

49 2. SUCH FUND SHALL CONSIST OF ALL REVENUES RECEIVED PURSUANT TO AN  
50 APPROPRIATION BY THE LEGISLATURE, ALL MONEYS COLLECTED PURSUANT TO  
51 SECTION FOUR HUNDRED FOUR-X OF THE VEHICLE AND TRAFFIC LAW AND ALL OTHER  
52 MONEYS APPROPRIATED, CREDITED OR TRANSFERRED THERETO FROM ANY OTHER FUND  
53 OR SOURCE PURSUANT TO LAW. NOTHING CONTAINED IN THIS SECTION SHALL  
54 PREVENT THE STATE FROM RECEIVING GRANTS, GIFTS OR BEQUESTS FOR THE  
55 PURPOSES OF THE FUND AS DEFINED IN THIS SECTION AND DEPOSITING THEM INTO  
56 THE FUND ACCORDING TO LAW.

1       3. MONIES OF THE FUND SHALL BE EXPENDED ONLY FOR PROGRAMS FOR PERSONS  
2 WITH TRAUMATIC BRAIN INJURIES.  
3       4. MONIES SHALL BE PAYABLE FROM THE FUND ON THE AUDIT AND WARRANT OF  
4 THE COMPTROLLER ON VOUCHERS APPROVED AND CERTIFIED BY THE COMMISSIONER  
5 OF HEALTH.  
6       S 4. This act shall take effect on the one hundred eightieth day after  
7 it shall have become a law. Effective immediately, the addition, amend-  
8 ment and/or repeal of any rule or regulation necessary for the implemen-  
9 tation of this act on its effective date are authorized to be made on or  
10 before such effective date.