S T A T E O F N E W Y O R K

2664--B

2013-2014 Regular Sessions

I N S E N A T E

January 23, 2013

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:

Section 1. Subdivisions 9 and 10 of section 2742 of the public health law, as added by chapter 196 of the laws of 1994, are amended and two new subdivisions 11 and 12 are added to read as follows:

9. to develop training programs for persons providing discharge plans and case management; [and]

10. to develop standards for licensing or certifying residential and non-residential services for persons with traumatic brain injury to the extent that such services are not otherwise subject to the jurisdiction of another state agency[.];

11. TO DEVELOP PROCEDURES, STANDARDS, RULES AND REGULATIONS FOR THE ASSISTING OF OPERATORS OF MOTOR VEHICLES WITH A TRAUMATIC BRAIN INJURY DURING TRAFFIC STOPS AS PROVIDED IN SECTION FOUR HUNDRED FOUR-X OF THE VEHICLE AND TRAFFIC LAW; AND

12. TO ESTABLISH AN APPLICATION FOR AND ISSUE IDENTIFICATION CARDS TO PERSONS WITH TRAUMATIC BRAIN INJURIES FOR THE PURPOSES OF SECTION FOUR HUNDRED FOUR-X OF THE VEHICLE AND TRAFFIC LAW.

S 2. The vehicle and traffic law is amended by adding a new section 404-x to read as follows:

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

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

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

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

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

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

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

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

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

3. MONIES OF THE FUND SHALL BE EXPENDED ONLY FOR PROGRAMS FOR PERSONS WITH TRAUMATIC BRAIN INJURIES.

4. MONIES SHALL BE PAYABLE FROM THE FUND ON THE AUDIT AND WARRANT OF THE COMPTROLLER ON VOUCHERS APPROVED AND CERTIFIED BY THE COMMISSIONER OF HEALTH.

S 4. This act shall take effect on the one hundred eightieth day after it shall have become a law. Effective immediately, the addition, amendment and/or repeal of any rule or regulation necessary for the implementation of this act on its effective date are authorized to be made on or before such effective date.