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

6137

2015-2016 Regular Sessions

I N A S S E M B L Y

March 16, 2015

Introduced by M. of A. DiPIETRO -- 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; and to amend the insurance law, in relation to post-traumatic stress disorder and traumatic brain injury

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

Section 1. The state finance law is amended by adding a new section 99-w to read as follows:

S 99-W. TRAUMATIC BRAIN INJURY/PTSD TREATMENT FUND. 1. THERE IS HEREBY ESTABLISHED IN THE JOINT CUSTODY OF THE STATE COMPTROLLER AND THE COMMISSIONER OF TAXATION AND FINANCE A FUND TO BE KNOWN AS THE TRAUMATIC BRAIN INJURY/PTSD TREATMENT FUND.

2. SUCH FUND SHALL CONSIST OF ALL MONEYS APPROPRIATED FOR THE PURPOSE OF SUCH FUND AND ALL MONEYS TRANSFERRED TO SUCH FUND PURSUANT TO LAW. ANY INTEREST EARNED BY THE INVESTMENT OF MONEYS IN SUCH FUND SHALL BE ADDED TO SUCH FUND, BECOME A PART OF SUCH FUND, AND BE USED FOR THE PURPOSE OF SUCH FUND.

3. MONIES OF THE FUND SHALL BE EXPENDED ONLY FOR TREATMENT OF QUALIFIED INDIVIDUALS FOR POST-TRAUMATIC STRESS DISORDER AND TRAUMATIC BRAIN INJURY WHERE SUCH TREATMENT IS NOT COVERED UNDER ANY OTHER PLAN OF HEALTH INSURANCE OR HEALTH COVERAGE, AND SHALL INCLUDE HYPERBARIC OXYGEN THERAPY TREATMENT WHERE PRESCRIBED BY A LICENSED PROVIDER. SUCH FUND SHALL BE A PAYER OF LAST RESORT FOR ANY SUCH TREATMENT. A QUALIFIED INDIVIDUAL MUST:

(A) PROVIDE MEDICAL DOCUMENTATION OF SUFFERING FROM POST-TRAUMATIC STRESS DISORDER, OR A TRAUMATIC BRAIN INJURY AS DEFINED BY SECTION TWO THOUSAND SEVEN HUNDRED FORTY-ONE OF THE PUBLIC HEALTH LAW; AND

(B) BE A NEW YORK RESIDENT FOR AT LEAST NINETY CONSECUTIVE DAYS PRIOR TO APPLICATION DATE.

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

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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 2. 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 a new subdivision 11 is 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[.]; AND

11. TO ADMINISTER THE TRAUMATIC BRAIN INJURY/PTSD TREATMENT FUND, ESTABLISHED IN SECTION NINETY-NINE-W OF THE STATE FINANCE LAW.

S 3. Clause (ii) of subparagraph (B) of paragraph 5 of subsection (1) of section 3221 of the insurance law, as amended by chapter 502 of the laws of 2007, is amended to read as follows:

(ii) For purposes of this paragraph, the term "biologically based mental illness" means a mental, nervous, or emotional condition that is caused by a biological disorder of the brain and results in a clinically significant, psychological syndrome or pattern that substantially limits the functioning of the person with the illness. Such biologically based mental illnesses are defined as schizophrenia/psychotic disorders, major depression, bipolar disorder, delusional disorders, panic disorder, obsessive compulsive disorders, bulimia, [and] anorexia, POST-TRAUMATIC STRESS DISORDER, AND TRAUMATIC BRAIN INJURY.

S 4. Subparagraph (B) of paragraph 2 of subsection (g) of section 4303 of the insurance law, as amended by chapter 502 of the laws of 2007, is amended to read as follows:

(B) For purposes of this subsection, the term "biologically based mental illness" means a mental, nervous, or emotional condition that is caused by a biological disorder of the brain and results in a clinically significant, psychological syndrome or pattern that substantially limits the functioning of the person with the illness. Such biologically based mental illnesses are defined as schizophrenia/psychotic disorders, major depression, bipolar disorder, delusional disorders, panic disorder, obsessive compulsive disorders, anorexia, [and] bulimia, POST-TRAUMATIC STRESS DISORDER, AND TRAUMATIC BRAIN INJURY.

S 5. Subparagraph (B) of paragraph 2 of subsection (h) of section 4303 of the insurance law, as amended by chapter 502 of the laws of 2007, is amended to read as follows:

(B) For purposes of this subsection, the term "biologically based mental illness" means a mental, nervous, or emotional condition that is caused by a biological disorder of the brain and results in a clinically significant, psychological syndrome or pattern that substantially limits the functioning of the person with the illness. Such biologically based mental illnesses are defined as schizophrenia/psychotic disorders, major depression, bipolar disorder, delusional disorders, panic disorder, obsessive compulsive disorder, anorexia, [and] bulimia, POST-TRAUMATIC STRESS DISORDER, AND TRAUMATIC BRAIN INJURY.

S 6. This act shall take effect on the ninetieth day after it shall have become a law; provided, however, that sections three, four and five of this act shall apply to policies and contracts issued, renewed, modified, altered or amended on or after such effective date.