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

6498

I N S E N A T E

January 21, 2016

Introduced by Sen. SEWARD -- read twice and ordered printed, and when printed to be committed to the Committee on Finance

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:

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

S 99-Y. TRAUMATIC BRAIN INJURY TRUST 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 TRUST 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 TO QUALIFIED INDIVIDUALS NOT ELIGIBLE FOR MEDICAID FUNDED, OR OTHERWISE INSURANCE COVERED, TRAUMATIC BRAIN INJURY PROGRAMS AND SERVICES. SUCH FUND SHALL BE A PAYER OF LAST RESORT FOR ALL APPLICABLE SUPPORTS AND SERVICES. A QUALIFIED INDIVIDUAL MUST:

(A) PROVIDE MEDICAL DOCUMENTATION OF A TRAUMATIC BRAIN INJURY, AS DEFINED BY SECTION TWO THOUSAND SEVEN HUNDRED FORTY-ONE OF THE PUBLIC HEALTH LAW;

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

(C) HAVE LESS THAN ONE HUNDRED THOUSAND DOLLARS IN LIQUID ASSETS.

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. ANNUALLY, PAYMENTS FROM THE FUND SHALL BE CAPPED AT THREE THOUSAND DOLLARS PER INDIVIDUAL, WITH A LIFETIME CAP OF ONE HUNDRED THOUSAND DOLLARS PER INDIVIDUAL.

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

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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 TRUST FUND, ESTABLISHED IN SECTION NINETY-NINE-Y OF THE STATE FINANCE LAW.

S 3. This act shall take effect immediately.