STATE OF NEW YORK

10033--A

IN ASSEMBLY

May 2, 2024

Introduced by M. of A. PAULIN, HEVESI, BUTTENSCHON, DAVILA, LUPARDO, SHIMSKY, SIMON, STIRPE, JENSEN, BENDETT, GANDOLFO, MIKULIN, ANGELINO, DeSTEFANO, LEMONDES, MANKTELOW, McDONOUGH, PALMESANO, SMULLEN, RAGA -- read once and referred to the Committee on Health -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the public health law, in relation to establishing a hyperbaric oxygen therapy pilot program

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Short title. This act shall be known and may be cited as "The Bart Law."

§ 2. The public health law is amended by adding a new article 27-CCCC to read as follows:

ARTICLE 27-CCCC

HYPERBARIC OXYGEN THERAPY PILOT PROGRAM

Section 2748. Definitions.
2748-a. Hyperbaric oxygen therapy pilot program.
2748-b. Hyperbaric oxygen therapy authorized.

§ 2748. Definitions. As used in this article, the following terms shall have the following meanings:

1. "Authorized medical professional" shall mean a licensed physician, physician's assistant, nurse practitioner or other licensed health care practitioner licensed to practice in this state and acting within such professional's scope of practice.

2. "Hyperbaric oxygen therapy" shall mean treatment from an authorized medical professional in either a hyperbaric chamber approved by the United States food and drug administration, or similar device with a United States food and drug administration approved investigational device exemption.

3. "Post-traumatic stress disorder" shall mean a mental condition developed after having experienced or witnessed a traumatic or life-threatening event as such terms are defined by the most recent edition

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

LBD15371-02-4

of the diagnostic and statistical manual of mental disorders, published by the American Psychiatric Association.

4. "Traumatic brain injury" shall have the same meaning as defined in subdivision one of section twenty-seven hundred forty-one of this chapter.

5. "Veteran" shall have the same meaning as defined in subdivision three of section one of the veterans' services law.

§ 2748-a. Hyperbaric oxygen therapy pilot program. 1. The commissioner shall establish a five-year pilot program to provide treatment to veterans suffering from traumatic brain injuries or post-traumatic stress disorder by means of hyperbaric oxygen therapy.

2. The commissioner shall require providers who are a part of the hyperbaric oxygen therapy pilot program submit an annual report to the commissioner. Such report shall include data analyzing the cost and efficiency of the hyperbaric oxygen therapy program and any recommendations by the provider to improve or expand such hyperbaric oxygen therapy pilot program.

3. On or before December thirty-first, two thousand thirty, the commissioner shall submit a report to the governor, the temporary president of the senate, the speaker of the assembly, the chair of the senate committee on health, and the chair of the assembly health committee on data received pursuant to subdivision two of this section. Such report shall include an analysis of the cost and efficiency of the hyperbaric oxygen therapy pilot program and the number of veterans receiving treatment through such pilot program.

§ 2748-b. Hyperbaric oxygen therapy authorized. 1. Any authorized medical professional may prescribe hyperbaric oxygen therapy to a veteran diagnosed with a traumatic brain injury or post-traumatic stress disorder. An authorized medical professional who prescribes hyperbaric oxygen therapy shall do so in a manner that complies with accepted standards of care for hyperbaric oxygen therapy.

2. Any veteran who is a resident of the state of New York and has been diagnosed with a traumatic brain injury or post-traumatic stress disorder may receive hyperbaric oxygen therapy so long as such therapy has been prescribed by an authorized medical professional.

§ 3. The commissioner of health shall promulgate any rules or regulations necessary for the implementation of this article.

§ 4. This act shall take effect immediately.