

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:

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

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

ARTICLE 27-CCCC

HYPERBARIC OXYGEN THERAPY PILOT PROGRAM

Section 2748. Definitions.

8 2748-a. Hyperbaric oxygen therapy pilot program.

9 2748-b. Hyperbaric oxygen therapy authorized.

10 § 2748. Definitions. As used in this article, the following terms
11 shall have the following meanings:

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

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

21 3. "Post-traumatic stress disorder" shall mean a mental condition
22 developed after having experienced or witnessed a traumatic or life-
23 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.

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

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

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

8 § 2748-a. Hyperbaric oxygen therapy pilot program. 1. The commissioner
9 shall establish a five-year pilot program to provide treatment to veter-
10 ans suffering from traumatic brain injuries or post-traumatic stress
11 disorder by means of hyperbaric oxygen therapy.

12 2. The commissioner shall require providers who are a part of the
13 hyperbaric oxygen therapy pilot program submit an annual report to the
14 commissioner. Such report shall include data analyzing the cost and
15 efficiency of the hyperbaric oxygen therapy program and any recommenda-
16 tions by the provider to improve or expand such hyperbaric oxygen thera-
17 py pilot program.

18 3. On or before December thirty-first, two thousand thirty, the
19 commissioner shall submit a report to the governor, the temporary presi-
20 dent of the senate, the speaker of the assembly, the chair of the senate
21 committee on health, and the chair of the assembly health committee on
22 data received pursuant to subdivision two of this section. Such report
23 shall include an analysis of the cost and efficiency of the hyperbaric
24 oxygen therapy pilot program and the number of veterans receiving treat-
25 ment through such pilot program.

26 § 2748-b. Hyperbaric oxygen therapy authorized. 1. Any authorized
27 medical professional may prescribe hyperbaric oxygen therapy to a veter-
28 an diagnosed with a traumatic brain injury or post-traumatic stress
29 disorder. An authorized medical professional who prescribes hyperbaric
30 oxygen therapy shall do so in a manner that complies with accepted stan-
31 dards of care for hyperbaric oxygen therapy.

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

36 § 3. The commissioner of health shall promulgate any rules or regu-
37 lations necessary for the implementation of this article.

38 § 4. This act shall take effect immediately.