

# STATE OF NEW YORK

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1478

2023-2024 Regular Sessions

## IN SENATE

January 12, 2023

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

AN ACT in relation to directing the commissioner of health and the commissioner of the office for people with developmental disabilities to conduct a study of the delivery of services to individuals with traumatic brain injury

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

1 Section 1. Legislative intent. The legislature recognizes that a traumatic brain injury results from a sudden blow or jolt to the head and  
2 can present in individuals with a wide range of mild, moderate or severe  
3 symptoms. Each traumatic brain injury case is unique and complex, often  
4 requiring supports and services to allow individuals to achieve the  
5 highest quality of life. This legislation will direct a study on the  
6 delivery of services to New Yorkers with traumatic brain injury. Specifically, the study will evaluate the availability and accessibility of  
7 quality services, emerging trends, regional disparities, and the effectiveness of the administrative process for individuals with traumatic  
8 brain injury who receive official approvals or denials of services.  
9 Furthermore, the commissioner of health and the commissioner of the  
10 office for people with developmental disabilities should make  
11 suggestions to enhance New York state's response to traumatic brain  
12 injuries based on the findings of this study.

13 § 2. a. The commissioner of health and the commissioner of the office  
14 for people with developmental disabilities shall conduct a study on the  
15 delivery of services provided to individuals diagnosed with traumatic  
16 brain injury. Such services to be studied shall include, but not be  
17 limited to acute and sub-acute rehabilitation, counseling and behavioral  
18 services, home care services, independent living skills training, environmental modifications, housing opportunities, and any services or  
19 programs specific to traumatic brain injury or that serve individuals  
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EXPLANATION--Matter in italics (underscored) is new; matter in brackets [-] is old law to be omitted.

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1 with traumatic brain injury. In conducting the study, the commissioners  
2 shall consult with people with traumatic brain injury and their fami-  
3 lies, organizations representing such people, and providers of health  
4 care and other services to people with traumatic brain injury.

5 b. The study shall examine the availability and accessibility of  
6 services for individuals diagnosed with traumatic brain injury, the cost  
7 of receiving such services, and any disparities that may exist in the  
8 regional availability of services.

9 c. The study shall identify emerging trends in traumatic brain injury,  
10 including changes in incidences, changes in the needs of individuals  
11 with traumatic brain injury, and assess the training service providers  
12 receive relating to traumatic brain injury.

13 d. The study shall also examine the difference in services availabili-  
14 ty and outcomes for individuals that may be enrolled in any Medicaid  
15 waiver.

16 e. The study shall examine the efficiency of the administrative proc-  
17 esses that provide individuals with traumatic brain injury official  
18 approvals or denials of service.

19 f. The commissioner of health and the commissioner of the office for  
20 people with developmental disabilities shall make recommendations to  
21 improve the delivery, quality, accessibility, and cost of the full range  
22 of services available to individuals with traumatic brain injury.

23 g. The commissioner of health and the commissioner of the office for  
24 people with developmental disabilities shall report and publish on the  
25 department of health's website, and transmit such commissioners' find-  
26 ings and recommendations to the governor, the speaker of the assembly,  
27 the minority leader of the assembly, the temporary president of the  
28 senate and the minority leader of the senate on or before one year from  
29 the date this act shall take effect.

30 § 3. This act shall take effect immediately.