

# STATE OF NEW YORK

9303

## IN SENATE

May 10, 2024

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

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

### ARTICLE 27-CCCC

#### HYPERBARIC OXYGEN THERAPY PILOT PROGRAM

##### Section 2748. Definitions.

6 2748-a. Hyperbaric oxygen therapy pilot program.

7 2748-b. Hyperbaric oxygen therapy authorized.

8 § 2748. Definitions. As used in this article, the following terms  
9 shall have the following meanings:

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

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

19 3. "Post-traumatic stress disorder" shall mean a mental condition  
20 developed after having experienced or witnessed a traumatic or life-  
21 threatening event as such terms are defined by the most recent edition  
22 of the diagnostic and statistical manual of mental disorders, published  
23 by the American Psychiatric Association.

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

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

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

LBD15371-01-4

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

5 2. The commissioner shall require providers who are a part of the  
6 hyperbaric oxygen therapy pilot program submit an annual report to the  
7 commissioner. Such report shall include data analyzing the cost and  
8 efficiency of the hyperbaric oxygen therapy program and any recommenda-  
9 tions by the provider to improve or expand such hyperbaric oxygen thera-  
10 py pilot program.

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

19 § 2748-b. Hyperbaric oxygen therapy authorized. 1. Any authorized  
20 medical professional may prescribe hyperbaric oxygen therapy to a veter-  
21 an diagnosed with a traumatic brain injury or post-traumatic stress  
22 disorder. An authorized medical professional who prescribes hyperbaric  
23 oxygen therapy shall do so in a manner that complies with accepted stan-  
24 dards of care for hyperbaric oxygen therapy.

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

29 § 2. The commissioner of health shall promulgate any rules or regu-  
30 lations necessary for the implementation of this article.

31 § 3. This act shall take effect immediately.