



NEW YORK STATE SENATOR

Michelle Hinchey

## Hinchey Bill to Improve Care for New Yorkers with Traumatic Brain Injury Passes Senate

MICHELLE HINCHEY March 10, 2023



**ALBANY, NY** – A bill sponsored by Senator Michelle Hinchey to study and improve access to services for New Yorkers diagnosed with a Traumatic Brain Injury (TBI) passed the Senate unanimously this week. The idea for the bill ([S1478](#)) was sparked by former Shokan resident Hannah Berryan, who has struggled for nearly a decade to access the long-term care she needs to manage the symptoms of a severe TBI. If signed into law, Hinchey's bill would be the first statutorily mandated comprehensive study on the regional delivery of services for TBI care in New York.

Hannah Berryan was 16 years old when a texting driver struck her while crossing the street in the Town of Ulster. Due to the injuries sustained from the accident, Hannah, now 24, struggles with a TBI that requires 24-hour care. In April 2021, Hinchey's office began working with Hannah and her mother, Katherine, to help Hannah access services in the Hudson Valley. However, because of the lack of local services for individuals with traumatic brain injuries, Hannah has moved out of state to find adequate care.

**S1478-HINCHEY** requires the Department of Health (DOH) and the Office for People with Developmental Disabilities (OPWDD) to conduct a study examining the accessibility, affordability, and delivery of services to individuals with traumatic brain injuries. Specifically, the study will evaluate regional disparities in TBI care, the effectiveness of the administrative process for approving and denying requests for TBI services, the quality of TBI service delivery and the training providers receive, and emerging trends in TBI to help improve scientific understanding. Hinchey's bill also requires the Commissioners of DOH and OPWDD to make recommendations to enhance TBI services and care across New York State.

**Senator Michelle Hinchey said,** "No family should ever have to struggle to find local, affordable care, including traumatic brain injury care, for their loved one, and yet right here in our own backyard, we have community members, like Hannah Berryan, who have had to move out of New York to receive the quality TBI services they deserve. Our healthcare system is failing New Yorkers with this complex disability, and my bill is the first major action to change that by identifying the improvements and resources we must implement as a state to ensure that individuals with a TBI can live the best quality of life possible."

"Hannah has been ignored and neglected by a system that is supposed to be taking care of her, and Senator Hinchey's bill is a critically important step to fixing that broken system and

supporting the complicated needs of people with brain injuries,” **Katherine Berryan said.**

“OPWDD denied every request we made for medically necessary services to aid Hannah in her recovery, and after many years of standing up for Hannah’s rights, it is clear that the laws governing OPWDD do not adequately promote a person’s recovery. We are truly grateful to Senator Hinchey for the dedication and compassion she has shown to Hannah and for her drive to fight for the rights of people with brain injuries.”

An estimated 5.3 million people are living with a permanent TBI-related disability in the United States today, making traumatic brain injuries one of the leading causes of disability and death in adults. Traumatic Brain Injury happens when a sudden, external, physical blow to the head damages the brain and can present through a myriad of physical, behavioral, or psycho-social symptoms, depending on the TBI. Every case of TBI is unique and complex; many individuals are unaware they have suffered a TBI until weeks, months, or years later, if ever, while others may require a lifetime of support.

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#### RELATED LEGISLATION

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### 2023-S1478

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- Introduced
  - ◦ In Committee Assembly

- In Committee Senate
- ◦ On Floor Calendar Assembly
- On Floor Calendar Senate
- ◦ Passed Assembly
- Passed Senate
- Delivered to Governor
- Signed By Governor
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Directs the commissioner of health and commissioner of the office for people with developmental disabilities to conduct a study of the delivery of services to individuals with traumatic brain injury

January 12, 2023

Signed by Governor

Sponsored by **Michelle Hinchey**

Do you support this bill?