



NEW YORK STATE SENATOR

Michelle Hinchey

## Senator Michelle Hinchey Announces Legislation to Improve Care for New Yorkers Diagnosed with Traumatic Brain Injury

MICHELLE HINCHEY September 15, 2021

| ISSUE: **TRAUMATIC BRAIN INJURY, TBI SERVICE DELIVERY**



**ALBANY, NY** – State Senator Michelle Hinchey (SD-46) today **announced new legislation** to expand and improve the delivery of health services for individuals diagnosed with traumatic brain injury (TBI) in the Hudson Valley and in communities across New York State. The bill (**S.7356**) was sparked by former Shokan resident Hannah Berryan whose family has undergone a six-year fight to access the specialized, long-term care Hannah needs to manage the symptoms of her traumatic brain injury. **S.7356** directs the two state agencies primarily

responsible for serving New York's TBI population — the Department of Health (DOH) and the Office for People with Developmental Disabilities (OPWDD) — to conduct a study that examines the accessibility, affordability, and delivery of services to individuals with traumatic brain injury. If enacted, Hinchey's bill would be the first statutorily mandated comprehensive study on the regional delivery of services for TBI care in New York State.

Hannah Berryan was 16-years-old when a texting driver struck her while crossing the street in the Town of Ulster on July 12, 2014. Due to the injuries she sustained from the accident, Hannah, now 23-years old, struggles with severe Traumatic Brain Injury (TBI) that requires 24-hour care. In April of 2021, Hinchey's office began working with the Berryan family, in collaboration with local attorney March Gallagher, to help Hannah access services in the Hudson Valley. Ultimately, because of the lack of local services for individuals with TBI, Hannah and her family have had to move to Long Island to find adequate long-term care.

Traumatic brain injury results from a sudden jolt or blow to the head and presents in a myriad of physical and neurobehavioral symptoms. Every case of TBI is unique and complex; some individuals may never know that they have sustained an injury while others, like Hannah, will require a lifetime of support. According to the Centers for Disease Control and Prevention (CDC), an estimated 2.5 million people sustain a traumatic brain injury annually, making TBIs a leading cause of disability and death in the United States.

"Katherine Berryan has gone through what no parent should ever have to endure — a six-year battle to secure the long-term care her daughter, Hannah, needs to address her traumatic brain injury (TBI). Across New York State, and especially in the upstate and rural areas I represent, we have families, like the Berryan's, who are struggling to find quality TBI services for their loved ones and a system that is not meeting the needs of New Yorkers with

this complex disability. We need to take action to change that,” **said Senator Michelle Hinchey.** “Regardless of where you live and whether you sustain a mild concussion in a sports-related injury or are severely wounded in a car accident that forever alters your life, anyone diagnosed with a TBI should be able to access the quality disability care they need in their homes and communities. My bill to examine the accessibility, affordability, and delivery of TBI care in New York will shine a light on the areas we need to improve and where resources need to be directed to ensure that individuals with TBI can live the best quality of life possible.”

“Seven years ago, our lives changed forever. I thought our fight would be saving Hannah’s life, but sadly that wasn’t the case. Upon being released home, our journey would really begin. It’s been six years since Hannah’s been home. It’s been six years since Hannah has received any TBI supports or services,” **said Katherine Berryan.** “After many years of standing up for Hannah’s rights on my own attorney March Gallagher and Senator Michelle Hinchey entered our journey. It was then that a true understanding of how “grey” the laws in OPWDD are and how they don’t promote a client’s recovery. My daughter’s accident was not an opportunity but an obligation to protect the people in NYS with brain injuries suffering like we were forced to. I could not go quietly. I needed this injustice to be heard. Senator Michelle Hinchey took Hannah’s complaint very seriously. Senator Hinchey’s office has worked tirelessly to create bill S.7356. Hannah has only ever wanted to be seen and acknowledged as a relevant resident of NYS who has the right to live a quality life with access to TBI-appropriate interventions. We want to thank Attorney March Gallagher, Senator Michelle Hinchey, and Town of Hurley Councilperson Peter Humphries.”

"Regular citizens should not need the involvement of a state senator and private attorney to get the services they need from OPWDD. Only after Senator Hinchey and I began working

with Hannah Berryan's family did they learn that the OPWDD Medicaid waiver could pay for a service dog and residential farm community placement yet even with our help unlocking those benefits proved to be insurmountable hurdles," **said pro-bono counsel to the Berryan family March Gallagher.** "Thousands of New Yorkers with traumatic brain injuries lack the opportunity for community-based treatments that would improve their quality of life and ultimately save taxpayer dollars. My client is tremendously appreciative that Senator Hinchey's bill will encourage OPWDD to examine the full range of services available for New Yorkers with TBI."

**Barry Dain, Board President of the Brain Injury Association of New York State, said,** "Thank you to Senator Hinchey for the introduction of this very important piece of legislation. The mission of the Brain Injury Association of New York State is to support, educate and advocate for people and families impacted by brain injury and to minimize brain injury through prevention. S.7356 opens a welcomed line of communication and collaboration amongst state agencies that will ultimately benefit individuals with brain injury, their families, and all stakeholder within the brain injury community."

**S.7356** would require the Department of Health and Office for People with Developmental Disabilities to study:

- Regional disparities in TBI care.
- The administrative process for approving and denying requests for TBI services.
- The quality of TBI service delivery and the training providers receive.
- Emerging trends in TBI to improve scientific understanding.

The bill charges the Commissioners of DOH and OPWDD to make recommendations to enhance New York state's response to TBI injuries based on the findings of the study.

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#### RELATED LEGISLATION

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## 2021-S7356

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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

September 03, 2021

In Assembly Committee

Sponsored by **Michelle Hinchey**

Do you support this bill?