

By: Miller of Fort Bend, Sheffield, Cyrier,
Zerwas, Farias, et al.

H.B. No. 175

Substitute the following for H.B. No. 175:

By: Crownover

C.S.H.B. No. 175

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the establishment of the Veterans Recovery Pilot
3 Program to provide certain veterans with hyperbaric oxygen
4 treatment.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

6 SECTION 1. Subtitle B, Title 2, Health and Safety Code, is
7 amended by adding Chapter 49 to read as follows:

8 CHAPTER 49. VETERANS RECOVERY PILOT PROGRAM

9 Sec. 49.001. DEFINITIONS. In this chapter:

10 (1) "Facility" includes a hospital, public health
11 clinic, outpatient health clinic, community health center, and any
12 other facility authorized under department rules to provide
13 hyperbaric oxygen treatment under this chapter.

14 (2) "Health care practitioner" means a person who is
15 licensed to provide medical or other health care in this state and
16 who has prescriptive authority, including a physician.

17 (3) "Hyperbaric oxygen treatment" means treatment for
18 traumatic brain injury or post-traumatic stress disorder
19 prescribed by a health care practitioner and delivered in:

20 (A) a hyperbaric chamber approved by the United
21 States Food and Drug Administration; or

22 (B) a hyperbaric oxygen device that is approved
23 by the United States Food and Drug Administration for
24 investigational use under the direction of an institutional review

1 board with a national clinical trial number.

2 (4) "Physician" means a person licensed to practice
3 medicine by the Texas Medical Board.

4 (5) "Pilot program" means the Veterans Recovery Pilot
5 Program established under this chapter.

6 (6) "Traumatic brain injury" means an acquired injury
7 to the brain. The term does not include brain dysfunction caused by
8 congenital or degenerative disorders or birth trauma.

9 (7) "Veteran" means an individual who has served in:

10 (A) the army, navy, air force, coast guard, or
11 marine corps of the United States;

12 (B) the state military forces as defined by
13 Section 431.001, Government Code; or

14 (C) an auxiliary service of one of those branches
15 of the armed forces.

16 Sec. 49.002. ESTABLISHMENT AND OPERATION OF PILOT PROGRAM.

17 (a) The department shall establish and operate the Veterans
18 Recovery Pilot Program to provide diagnostic services, hyperbaric
19 oxygen treatment, and support services to eligible veterans who
20 have post-traumatic stress disorder or a traumatic brain injury.

21 (b) The commissioner may appoint an advisory board to assist
22 the department in developing the pilot program.

23 Sec. 49.003. RULES. The executive commissioner shall adopt
24 rules to implement this chapter, including standards for veteran
25 and facility eligibility under the pilot program and standards to
26 ensure patient confidentiality is protected under the pilot
27 program. The standards must require that:

1 (1) eligible facilities comply with applicable fire
2 codes, oversight requirements, and any treatment protocols
3 provided in department rules; and

4 (2) eligible participants in the pilot program reside
5 in this state.

6 Sec. 49.004. VETERANS RECOVERY ACCOUNT. (a) The veterans
7 recovery account is a dedicated account in the general revenue
8 fund.

9 (b) The veterans recovery account consists of:

10 (1) gifts, grants, and other donations received for
11 the account; and

12 (2) interest earned on the investment of money in the
13 fund.

14 (c) Section 403.071, Government Code, does not apply to the
15 veterans recovery account.

16 (d) The commissioner shall administer the veterans recovery
17 account. Money in the account may be used only to pay for:

18 (1) expenses of administering the pilot program;

19 (2) diagnostic testing and treatment of a veteran with
20 post-traumatic stress disorder or a traumatic brain injury under
21 the pilot program; and

22 (3) a veteran's necessary travel and living expenses
23 for a veteran required to travel to obtain treatment under the pilot
24 program.

25 (e) The commissioner shall seek reimbursement for payments
26 made under the pilot program from the Medicaid and Medicare
27 programs, the TRICARE program of the United States Department of

1 Defense, appropriate federal agencies, and any other responsible
2 third party payor.

3 Sec. 49.005. HYPERBARIC OXYGEN TREATMENT; RESERVATION OF
4 FUNDS. (a) The executive commissioner by rule shall adopt
5 standards for the provision of hyperbaric oxygen treatment under
6 the pilot program to veterans who have been diagnosed with
7 post-traumatic stress disorder or a traumatic brain injury, have
8 been prescribed hyperbaric oxygen treatment by a health care
9 practitioner, and voluntarily agree to treatment under the pilot
10 program.

11 (b) A facility providing medical care to a veteran who is
12 eligible for hyperbaric oxygen treatment under the pilot program
13 may apply for reimbursement for treatment under the pilot program.

14 (c) The facility must submit a treatment plan to the
15 department before providing treatment under the pilot program. The
16 treatment plan must include:

17 (1) a prescription order for hyperbaric oxygen
18 treatment issued by a health care practitioner;

19 (2) verification of facility and veteran eligibility;

20 (3) an estimate of the treatment costs and of the
21 veteran's necessary travel and living expenses for a veteran
22 required to travel to obtain the treatment; and

23 (4) any other information required by the department.

24 (d) The department shall approve or disapprove a treatment
25 plan within a reasonable time as established by department rule.
26 The department shall notify the facility whether the treatment plan
27 was approved or disapproved by the department.

1 (e) The department may not approve the provision of
2 hyperbaric oxygen treatment under the pilot program unless the
3 facility is in compliance with applicable department standards and
4 rules and the veteran is eligible for treatment under the pilot
5 program.

6 (f) If there is sufficient money in the veterans recovery
7 account, the department shall approve each treatment plan that
8 meets the requirements of this section and the standards adopted
9 under this chapter.

10 (g) The commissioner shall reserve in the veterans recovery
11 account an amount equal to the estimated treatment costs and
12 necessary travel and living expenses specified in the treatment
13 plan for each veteran that is approved for treatment under the pilot
14 program.

15 Sec. 49.006. PROVISION OF SERVICES; REIMBURSEMENT. (a) A
16 facility may provide hyperbaric oxygen treatment under the pilot
17 program to a veteran who has post-traumatic stress disorder or a
18 traumatic brain injury if the department approved a treatment plan
19 under Section 49.005 for the veteran.

20 (b) A facility that elects to provide hyperbaric oxygen
21 treatment to a veteran under Subsection (a) shall provide the
22 treatment without charge to the veteran. A veteran receiving
23 treatment under the pilot program is not liable for the cost of
24 treatment or expenses incurred under the pilot program. The
25 facility may submit to the department a request for reimbursement
26 from the veterans recovery account for expenses incurred for the
27 treatment.

1 (c) A facility that elects to provide treatment under the
2 pilot program shall submit to the department regular reports, in
3 the form prescribed by the department, of the veteran's measured
4 health improvements under the treatment plan.

5 (d) The commissioner shall reimburse a facility for
6 expenses the facility incurred in providing the hyperbaric oxygen
7 treatment from the veterans recovery account if:

8 (1) the treatment was provided according to the
9 treatment plan approved by the department;

10 (2) the expenses do not exceed the amount reserved for
11 the treatment under Section 49.005; and

12 (3) the facility demonstrates in the reports described
13 by Subsection (c) that the veteran is making measured health
14 improvements.

15 (e) If expenses for the treatment exceed funds reserved for
16 the treatment under Section 49.005, the state and the veterans
17 recovery account are not liable for the amount in excess of the
18 reserved funds.

19 (f) A facility may submit an updated treatment plan under
20 Section 49.005 to request the reservation of funds in addition to
21 funds reserved under the original treatment plan.

22 (g) From money in the veterans recovery account, the
23 commissioner shall reimburse a veteran required to travel to obtain
24 treatment under the pilot program for the travel and living
25 expenses approved by the department in the treatment plan. The
26 expenses may not exceed the amount reserved for those expenses
27 under Section 49.005.

1 Sec. 49.007. TERMINATION OF RESERVATION OF FUNDS. (a) If
2 the facility or veteran fails to request reimbursement for
3 treatment or for travel and living expenses under the pilot program
4 for at least six months following the conclusion of treatment, the
5 department shall notify the facility and the veteran receiving
6 treatment under the facility's treatment plan that the funding
7 reserved for the treatment and expenses will be terminated on the
8 90th day after the date the department provides notice under this
9 subsection unless the facility or veteran notifies the department
10 of continued treatment and expenses under the pilot program or
11 requests reimbursement for the treatment already provided or
12 expenses already incurred under the pilot program.

13 (b) If a facility or veteran fails to notify the department
14 of continued treatment and expenses in the time required under
15 Subsection (a), the commissioner shall terminate the reservation of
16 funds in the veterans recovery account under the facility's
17 treatment plan for that veteran.

18 Sec. 49.008. REPORT. Not later than October 1 of each
19 even-numbered year, the department shall submit to the governor,
20 lieutenant governor, speaker of the house of representatives, and
21 appropriate standing committees of the legislature a report
22 regarding the pilot program that includes an evaluation of the
23 effectiveness of the pilot program and the number of veterans and
24 facilities participating in the pilot program.

25 Sec. 49.009. EXPIRATION OF CHAPTER. This chapter expires
26 September 1, 2021. Any remaining balance in the veterans recovery
27 account on the expiration of this chapter is transferred to the

1 general revenue fund.

2 SECTION 2. The executive commissioner of the Health and
3 Human Services Commission shall adopt the rules necessary to
4 implement Chapter 49, Health and Safety Code, as added by this Act,
5 not later than January 1, 2016.

6 SECTION 3. This Act takes effect September 1, 2015.