

1-1 By: Miller of Fort Bend, et al. H.B. No. 175  
 1-2 (Senate Sponsor - Taylor of Collin)  
 1-3 (In the Senate - Received from the House May 4, 2015;  
 1-4 May 11, 2015, read first time and referred to Committee on Health  
 1-5 and Human Services; May 22, 2015, reported adversely, with  
 1-6 favorable Committee Substitute by the following vote: Yeas 8,  
 1-7 Nays 0; May 22, 2015, sent to printer.)

1-8 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-9				
1-10	X			
1-11	X			
1-12	X			
1-13			X	
1-14	X			
1-15	X			
1-16	X			
1-17	X			
1-18	X			

1-19 COMMITTEE SUBSTITUTE FOR H.B. No. 175 By: Taylor of Collin

1-20 A BILL TO BE ENTITLED  
 1-21 AN ACT

1-22 relating to the establishment of the Veterans Recovery Pilot  
 1-23 Program to provide certain veterans with hyperbaric oxygen  
 1-24 treatment.

1-25 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-26 SECTION 1. Subtitle B, Title 2, Health and Safety Code, is  
 1-27 amended by adding Chapter 49 to read as follows:

1-28 CHAPTER 49. VETERANS RECOVERY PILOT PROGRAM

1-29 Sec. 49.001. DEFINITIONS. In this chapter:

1-30 (1) "Facility" includes a hospital, public health  
 1-31 clinic, outpatient health clinic, community health center, and any  
 1-32 other facility authorized under department rules to provide  
 1-33 hyperbaric oxygen treatment under this chapter.

1-34 (2) "Health care practitioner" means a person who is  
 1-35 licensed to provide medical or other health care in this state and  
 1-36 who has prescriptive authority, including a physician.

1-37 (3) "Hyperbaric oxygen treatment" means treatment for  
 1-38 traumatic brain injury or post-traumatic stress disorder  
 1-39 prescribed by a health care practitioner and delivered in:

1-40 (A) a hyperbaric chamber approved by the United  
 1-41 States Food and Drug Administration; or

1-42 (B) a hyperbaric oxygen device that is approved  
 1-43 by the United States Food and Drug Administration for  
 1-44 investigational use under the direction of an institutional review  
 1-45 board with a national clinical trial number.

1-46 (4) "Physician" means a person licensed to practice  
 1-47 medicine by the Texas Medical Board.

1-48 (5) "Pilot program" means the Veterans Recovery Pilot  
 1-49 Program established under this chapter.

1-50 (6) "Traumatic brain injury" means an acquired injury  
 1-51 to the brain. The term does not include brain dysfunction caused by  
 1-52 congenital or degenerative disorders or birth trauma.

1-53 (7) "Veteran" means an individual who has served in:

1-54 (A) the army, navy, air force, coast guard, or  
 1-55 marine corps of the United States;

1-56 (B) the state military forces as defined by  
 1-57 Section 431.001, Government Code; or

1-58 (C) an auxiliary service of one of those branches  
 1-59 of the armed forces.

1-60 Sec. 49.002. ESTABLISHMENT AND OPERATION OF PILOT PROGRAM.

2-1 (a) Except as provided by Subsection (b), the department, using  
 2-2 existing resources, shall establish and operate the Veterans  
 2-3 Recovery Pilot Program to provide diagnostic services, hyperbaric  
 2-4 oxygen treatment, and support services to eligible veterans who  
 2-5 have post-traumatic stress disorder or a traumatic brain injury.

2-6 (b) If there is insufficient money in the veterans recovery  
 2-7 account established under Section 49.004 to cover the department's  
 2-8 expenses in administering the pilot program, the department may not  
 2-9 operate the pilot program.

2-10 (c) The commissioner may appoint an advisory board to assist  
 2-11 the department in developing the pilot program.

2-12 Sec. 49.003. RULES. The executive commissioner shall adopt  
 2-13 rules to implement this chapter, including standards for veteran  
 2-14 and facility eligibility under the pilot program and standards to  
 2-15 ensure patient confidentiality is protected under the pilot  
 2-16 program. The standards must require that:

2-17 (1) eligible facilities comply with applicable fire  
 2-18 codes, oversight requirements, and any treatment protocols  
 2-19 provided in department rules; and

2-20 (2) eligible participants in the pilot program reside  
 2-21 in this state.

2-22 Sec. 49.004. VETERANS RECOVERY ACCOUNT. (a) The veterans  
 2-23 recovery account is a dedicated account in the general revenue  
 2-24 fund.

2-25 (b) The veterans recovery account consists of:

2-26 (1) gifts, grants, and other donations received for  
 2-27 the account; and

2-28 (2) interest earned on the investment of money in the  
 2-29 fund.

2-30 (c) Section 403.071, Government Code, does not apply to the  
 2-31 veterans recovery account.

2-32 (d) The commissioner shall administer the veterans recovery  
 2-33 account. Money in the account may be used only to pay for:

2-34 (1) expenses of administering the pilot program;

2-35 (2) diagnostic testing and treatment of a veteran with  
 2-36 post-traumatic stress disorder or a traumatic brain injury under  
 2-37 the pilot program; and

2-38 (3) a veteran's necessary travel and living expenses  
 2-39 for a veteran required to travel to obtain treatment under the pilot  
 2-40 program.

2-41 (e) The commissioner shall seek reimbursement for payments  
 2-42 made under the pilot program from the TRICARE program of the United  
 2-43 States Department of Defense, appropriate federal agencies, and any  
 2-44 other responsible third party payor.

2-45 Sec. 49.005. HYPERBARIC OXYGEN TREATMENT; RESERVATION OF  
 2-46 FUNDS. (a) The executive commissioner by rule shall adopt

2-47 standards for the provision of hyperbaric oxygen treatment under  
 2-48 the pilot program to veterans who have been diagnosed with  
 2-49 post-traumatic stress disorder or a traumatic brain injury, have  
 2-50 been prescribed hyperbaric oxygen treatment by a health care  
 2-51 practitioner, and voluntarily agree to treatment under the pilot  
 2-52 program.

2-53 (b) A facility providing medical care to a veteran who is  
 2-54 eligible for hyperbaric oxygen treatment under the pilot program  
 2-55 may apply for reimbursement for treatment under the pilot program.

2-56 (c) The facility must submit a treatment plan to the  
 2-57 department before providing treatment under the pilot program. The  
 2-58 treatment plan must include:

2-59 (1) a prescription order for hyperbaric oxygen  
 2-60 treatment issued by a health care practitioner;

2-61 (2) verification of facility and veteran eligibility;

2-62 (3) an estimate of the treatment costs and of the  
 2-63 veteran's necessary travel and living expenses for a veteran  
 2-64 required to travel to obtain the treatment; and

2-65 (4) any other information required by the department.

2-66 (d) The department shall approve or disapprove a treatment  
 2-67 plan within a reasonable time as established by department rule.  
 2-68 The department shall notify the facility whether the treatment plan  
 2-69 was approved or disapproved by the department.

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

3-6 (f) If there is sufficient money in the veterans recovery  
 3-7 account, the department shall approve each treatment plan that  
 3-8 meets the requirements of this section and the standards adopted  
 3-9 under this chapter.

3-10 (g) The commissioner shall reserve in the veterans recovery  
 3-11 account an amount equal to the estimated treatment costs and  
 3-12 necessary travel and living expenses specified in the treatment  
 3-13 plan for each veteran that is approved for treatment under the pilot  
 3-14 program.

3-15 Sec. 49.006. PROVISION OF SERVICES; REIMBURSEMENT. (a) A  
 3-16 facility may provide hyperbaric oxygen treatment under the pilot  
 3-17 program to a veteran who has post-traumatic stress disorder or a  
 3-18 traumatic brain injury if the department approved a treatment plan  
 3-19 under Section 49.005 for the veteran.

3-20 (b) A facility that elects to provide hyperbaric oxygen  
 3-21 treatment to a veteran under Subsection (a) shall provide the  
 3-22 treatment without charge to the veteran. A veteran receiving  
 3-23 treatment under the pilot program is not liable for the cost of  
 3-24 treatment or expenses incurred under the pilot program. The  
 3-25 facility may submit to the department a request for reimbursement  
 3-26 from the veterans recovery account for expenses incurred for the  
 3-27 treatment.

3-28 (c) A facility that elects to provide treatment under the  
 3-29 pilot program shall submit to the department regular reports, in  
 3-30 the form prescribed by the department, of the veteran's measured  
 3-31 health improvements under the treatment plan.

3-32 (d) The commissioner shall reimburse a facility for  
 3-33 expenses the facility incurred in providing the hyperbaric oxygen  
 3-34 treatment from the veterans recovery account if:

3-35 (1) the treatment was provided according to the  
 3-36 treatment plan approved by the department;

3-37 (2) the expenses do not exceed the amount reserved for  
 3-38 the treatment under Section 49.005; and

3-39 (3) the facility demonstrates in the reports described  
 3-40 by Subsection (c) that the veteran is making measured health  
 3-41 improvements.

3-42 (e) If expenses for the treatment exceed funds reserved for  
 3-43 the treatment under Section 49.005, the state and the veterans  
 3-44 recovery account are not liable for the amount in excess of the  
 3-45 reserved funds.

3-46 (f) A facility may submit an updated treatment plan under  
 3-47 Section 49.005 to request the reservation of funds in addition to  
 3-48 funds reserved under the original treatment plan.

3-49 (g) From money in the veterans recovery account, the  
 3-50 commissioner shall reimburse a veteran required to travel to obtain  
 3-51 treatment under the pilot program for the travel and living  
 3-52 expenses approved by the department in the treatment plan. The  
 3-53 expenses may not exceed the amount reserved for those expenses  
 3-54 under Section 49.005.

3-55 Sec. 49.007. TERMINATION OF RESERVATION OF FUNDS. (a) If  
 3-56 the facility or veteran fails to request reimbursement for  
 3-57 treatment or for travel and living expenses under the pilot program  
 3-58 for at least six months following the conclusion of treatment, the  
 3-59 department shall notify the facility and the veteran receiving  
 3-60 treatment under the facility's treatment plan that the funding  
 3-61 reserved for the treatment and expenses will be terminated on the  
 3-62 90th day after the date the department provides notice under this  
 3-63 subsection unless the facility or veteran notifies the department  
 3-64 of continued treatment and expenses under the pilot program or  
 3-65 requests reimbursement for the treatment already provided or  
 3-66 expenses already incurred under the pilot program.

3-67 (b) If a facility or veteran fails to notify the department  
 3-68 of continued treatment and expenses in the time required under  
 3-69 Subsection (a), the commissioner shall terminate the reservation of

4-1 funds in the veterans recovery account under the facility's  
4-2 treatment plan for that veteran.

4-3 Sec. 49.008. REPORT. Not later than October 1 of each  
4-4 even-numbered year, the department shall submit to the governor,  
4-5 lieutenant governor, speaker of the house of representatives, and  
4-6 appropriate standing committees of the legislature a report  
4-7 regarding the pilot program that includes an evaluation of the  
4-8 effectiveness of the pilot program and the number of veterans and  
4-9 facilities participating in the pilot program.

4-10 Sec. 49.009. EXPIRATION OF CHAPTER. This chapter expires  
4-11 September 1, 2021. Any remaining balance in the veterans recovery  
4-12 account on the expiration of this chapter is transferred to the  
4-13 general revenue fund.

4-14 SECTION 2. The executive commissioner of the Health and  
4-15 Human Services Commission shall adopt the rules necessary to  
4-16 implement Chapter 49, Health and Safety Code, as added by this Act,  
4-17 not later than January 1, 2016.

4-18 SECTION 3. This Act takes effect September 1, 2015.

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