

## **BILL ANALYSIS**

Senate Research Center  
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S.B. 1075  
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Health & Human Services  
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As Filed

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

According to a recent report by the United States Department of Veterans Affairs (VA), it is estimated that approximately 10 percent of military veterans have some type of combat-related injury or disorder, such as Traumatic Brain Injury (TBI) and Post-Traumatic Stress Disorder (PTSD).

These injuries and disorders are often difficult to detect and can cause symptoms such as headaches, confusion, memory loss, fatigue, insomnia, and depression. Moreover, without proper treatment, these conditions can have a serious impact on a veteran's quality of life. Taking into account that Texas is home to over one million veterans, concerned parties note that these conditions are a significant health issue for a large number of veterans in Texas returning from service overseas.

Citing the increased rate of suicide and attempted suicide among veterans, concerned parties affirm that many of the treatments approved and provided by the VA for these conditions are often drugs, which may have serious side effects and only serve to mask the symptoms without curing the underlying issues. For some of these veterans, hyperbaric oxygen treatment can provide an effective alternative treatment, resulting in long-term improvement in cognitive function and quality of life.

S.B. 1075 seeks to provide veterans impacted by combat-related injuries or disorders with access to hyperbaric oxygen treatment options through the establishment of the Veterans Recovery Pilot Program.

As proposed, S.B. 1075 amends current law relating to the establishment of the Veterans Recovery Pilot Program to provide certain veterans with hyperbaric oxygen treatment.

### **RULEMAKING AUTHORITY**

Rulemaking authority is expressly granted to the executive commissioner of the Health and Human Services Commission in SECTION 1 (Sections 49.003 and 49.005, Health and Safety Code) of this bill.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Subtitle B, Title 2, Health and Safety Code, by adding Chapter 49, as follows:

#### **CHAPTER 49. VETERANS RECOVERY PILOT PROGRAM**

Sec. 49.001. DEFINITIONS. Defines "facility," "health care practitioner," "hyperbaric oxygen treatment," "physician," "pilot program," "traumatic brain injury," and "veteran."

Sec. 49.002. ESTABLISHMENT AND OPERATION OF PILOT PROGRAM. (a) Requires the Department of State Health Services (DSHS), except as provided by Subsection (b), and using existing resources, to establish and operate the Veterans Recovery Pilot Program (program) to provide diagnostic services, hyperbaric oxygen

treatment, and support services to eligible veterans who have post-traumatic stress disorder (PTSD) or traumatic brain injury (TBI).

(b) Prohibits DSHS from operating the program if there is insufficient money in the veterans recovery account (account) established under 49.004 to cover DSHS's expenses in administering the program.

(c) Authorizes the commissioner of state health services (commissioner) to appoint an advisory board to assist DSHS in developing the program.

Sec. 49.003. RULES. Requires the executive commissioner of the Health and Human Services Commission (executive commissioner) to adopt rules to implement this chapter, including standards for veteran and facility eligibility under the program and standards to ensure patient confidentiality is protected under the program. Requires that the standards require that eligible facilities comply with applicable fire codes, oversight requirements, and any treatment protocols provided in DSHS rules and eligible participants in the program reside in this state.

Sec. 49.004. VETERANS RECOVERY ACCOUNT. (a) Provides that the account is a dedicated account in the general revenue (GR) fund.

(b) Provides that the account consists of gifts, grants, and other donations received for the account and interest earned on the investment of money in the GR fund.

(c) Provides that Section 403.071 (Claims and Available Money; Offense), Government Code, does not apply to the account.

(d) Requires the commissioner to administer the account. Requires that money in the account is used only to pay for expenses of administering the program, diagnostic testing and treatment of a veteran with PTSD or TBI under the program, and a veteran's necessary travel and living expenses for a veteran required to travel to obtain treatment under the program.

(e) Requires the commissioner to seek reimbursement for payments made under the program from the TRICARE program of the United States Department of Defense, appropriate federal agencies, and any other responsible third party payor.

Sec. 49.005. HYPERBARIC OXYGEN TREATMENT; RESERVATION OF FUNDS. (a) Requires the executive commissioner by rule to adopt standards for the provision of hyperbaric oxygen treatment under the program to veterans who have been diagnosed with PTSD or a TBI, have been prescribed hyperbaric oxygen treatment by a health care practitioner, and voluntarily agree to treatment under the program.

(b) Authorizes a facility providing medical care to a veteran who is eligible for hyperbaric oxygen treatment under the program to apply for reimbursement for treatment under the program.

(c) Requires the facility to submit a treatment plan to DSHS before providing treatment under the program. Requires that the treatment plan include a prescription order for hyperbaric oxygen treatment issued by a health care practitioner, verification of facility and veteran eligibility, an estimate of the treatment costs and of the veteran's necessary travel and living expenses for a veteran required to travel to obtain the treatment and any other information required by DSHS.

(d) Requires DSHS to approve or disapprove a treatment plan within a reasonable time as established by DSHS rule. Requires DSHS to notify the facility whether the treatment plan was approved or disapproved by DSHS.

(e) Prohibits DSHS from approving the provision of hyperbaric oxygen treatment under the program unless the facility is in compliance with applicable DSHS standards and rules and the veteran is eligible for treatment under the program.

(f) Requires DSHS, if there is sufficient money in the account, to approve each treatment plan that meets the requirements of this section and the standards adopted under this chapter.

(g) Requires the commissioner to reserve in the account an amount equal to the estimated treatment costs and necessary travel and living expenses specified in the treatment plan for each veteran that is approved for treatment under the program.

Sec. 49.006. PROVISION OF SERVICES; REIMBURSEMENT. (a) Authorizes a facility to provide hyperbaric oxygen treatment under the program to a veteran who has PTSD or a TBI if DSHS approved a treatment plan for the veteran.

(b) Requires a facility that elects to provide hyperbaric oxygen treatment to a veteran to provide the treatment without charge to the veteran. Provides that a veteran receiving treatment under the program is not liable for the cost of treatment or expenses incurred under the program. Authorizes the facility to submit to DSHS a request for reimbursement from the account for expenses incurred for the treatment.

(c) Requires a facility that elects to provide treatment under the program to submit to DSHS regular reports, in the form prescribed by DSHS, of the veteran's measured health improvements under the treatment plan.

(d) Requires the commissioner to reimburse a facility for expenses the facility incurred in providing the hyperbaric oxygen treatment from the account under certain circumstances.

(e) Provides that if expenses for the treatment exceed funds reserved for the treatment, the state and the account are not liable for the amount in excess of the reserved funds.

(f) Authorizes a facility to submit a modified treatment plan to request the reservation of funds in addition to funds reserved under the original treatment plan.

(g) Requires the commissioner, from money in the account, to reimburse a veteran required to travel to obtain treatment under the program for the travel and living expenses approved by DSHS in the treatment plan. Prohibits the expenses from exceeding the amount reserved for those expenses.

Sec. 49.007. TERMINATION OF RESERVATION OF FUNDS. (a) Requires DSHS, if the facility or veteran fails to request reimbursement for treatment or for travel and living expenses under the program for at least six months following the conclusion of treatment, to notify the facility and the veteran receiving treatment under the facility's treatment plan that the funding reserved for the treatment and expenses will be terminated on the 90th day after the date DSHS provides notice under this subsection unless the facility or veteran notifies DSHS of continued treatment and expenses under the program or requests reimbursement for the treatment already provided or expenses already incurred under the program.

(b) Requires the commissioner, if a facility or veteran fails to notify DSHS of continued treatment and expenses in the required time, to terminate the reservation of funds in the account under the facility's treatment plan for that veteran.

Sec. 49.008. REPORT. Requires DSHS, not later than October 1 of each even-numbered year, to submit to the governor, lieutenant governor, speaker of the house of representatives, and appropriate standing committees of the legislature a report regarding the program that includes an evaluation of the effectiveness of the program and the number of veterans and facilities participating in the program.

Sec. 49.009. EXPIRATION OF CHAPTER. Provides that this chapter expires September 1, 2023. Provides that any remaining balance in the account on the expiration of this chapter is transferred to the GR fund.

SECTION 2. Requires the executive commissioner to adopt rules necessary to implement Chapter 49, Health and Safety Code, as added by this Act, not later than January 1, 2018.

SECTION 3. Effective date: September 1, 2017.