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et al.

H.B. No. 271

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 commission 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 the armed
15 forces described in Paragraphs (A) and (B).

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

17 (a) Except as provided by Subsection (b), the commission, using
18 existing resources, shall establish and operate the Veterans
19 Recovery Pilot Program to provide diagnostic services, hyperbaric
20 oxygen treatment, and support services to eligible veterans who
21 have post-traumatic stress disorder or a traumatic brain injury.

22 (b) If there is insufficient money in the veterans recovery
23 account established under Section 49.004 to cover the commission's
24 expenses in administering the pilot program, the commission may not
25 operate the pilot program.

26 (c) The executive commissioner may appoint an advisory
27 board to assist the commission in developing the pilot program.

1 Sec. 49.003. RULES. The executive commissioner shall adopt
2 rules to implement this chapter, including standards for veteran
3 and facility eligibility under the pilot program and standards to
4 ensure patient confidentiality is protected under the pilot
5 program. The standards must require that:

6 (1) eligible facilities comply with applicable fire
7 codes, oversight requirements, and any treatment protocols
8 provided in commission rules; and

9 (2) eligible participants in the pilot program reside
10 in this state.

11 Sec. 49.004. VETERANS RECOVERY ACCOUNT. (a) The veterans
12 recovery account is a dedicated account in the general revenue
13 fund.

14 (b) The veterans recovery account consists of:

15 (1) gifts, grants, and other donations received for
16 the account; and

17 (2) interest earned on the investment of money in the
18 fund.

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

21 (d) The executive commissioner shall administer the
22 veterans recovery account. Money in the account may be used only to
23 pay for:

24 (1) expenses of administering the pilot program;

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

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

4 (e) The executive commissioner shall seek reimbursement for
5 payments made under the pilot program from the TRICARE program of
6 the United States Department of Defense, appropriate federal
7 agencies, and any other responsible third party payor.

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

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

19 (c) The facility must submit a treatment plan to the
20 commission before providing treatment under the pilot program. The
21 treatment plan must include:

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

24 (2) verification of facility and veteran eligibility;

25 (3) an estimate of the treatment costs and of the
26 veteran's necessary travel and living expenses for a veteran
27 required to travel to obtain the treatment; and

1 (4) any other information required by the commission.

2 (d) The commission shall approve or disapprove a treatment
3 plan within a reasonable time as established by commission rule.
4 The commission shall notify the facility whether the treatment plan
5 was approved or disapproved by the commission.

6 (e) The commission may not approve the provision of
7 hyperbaric oxygen treatment under the pilot program unless the
8 facility is in compliance with applicable commission standards and
9 rules and the veteran is eligible for treatment under the pilot
10 program.

11 (f) If there is sufficient money in the veterans recovery
12 account, the commission shall approve each treatment plan that
13 meets the requirements of this section and the standards adopted
14 under this chapter.

15 (g) The executive commissioner shall reserve in the
16 veterans recovery account an amount equal to the estimated
17 treatment costs and necessary travel and living expenses specified
18 in the treatment plan for each veteran that is approved for
19 treatment under the pilot program.

20 Sec. 49.006. PROVISION OF SERVICES; REIMBURSEMENT. (a) A
21 facility may provide hyperbaric oxygen treatment under the pilot
22 program to a veteran who has post-traumatic stress disorder or a
23 traumatic brain injury if the commission approved a treatment plan
24 under Section 49.005 for the veteran.

25 (b) A facility that elects to provide hyperbaric oxygen
26 treatment to a veteran under Subsection (a) shall provide the
27 treatment without charge to the veteran. A veteran receiving

1 treatment under the pilot program is not liable for the cost of
2 treatment or expenses incurred under the pilot program. The
3 facility may submit to the commission a request for reimbursement
4 from the veterans recovery account for expenses incurred for the
5 treatment.

6 (c) A facility that elects to provide treatment under the
7 pilot program shall submit to the commission regular reports, in
8 the form prescribed by the commission, of the veteran's measured
9 health improvements under the treatment plan.

10 (d) The executive commissioner shall reimburse a facility
11 for expenses the facility incurred in providing the hyperbaric
12 oxygen treatment from the veterans recovery account if:

13 (1) the treatment was provided according to the
14 treatment plan approved by the commission;

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

17 (3) the facility demonstrates in the reports described
18 by Subsection (c) that the veteran is making measured health
19 improvements.

20 (e) If expenses for the treatment exceed funds reserved for
21 the treatment under Section 49.005, the state and the veterans
22 recovery account are not liable for the amount in excess of the
23 reserved funds.

24 (f) A facility may submit a modified treatment plan under
25 Section 49.005 to request the reservation of funds in addition to
26 funds reserved under the original treatment plan.

27 (g) From money in the veterans recovery account, the

1 executive commissioner shall reimburse a veteran required to travel
2 to obtain treatment under the pilot program for the travel and
3 living expenses approved by the commission in the treatment plan.
4 The expenses may not exceed the amount reserved for those expenses
5 under Section 49.005.

6 Sec. 49.007. TERMINATION OF RESERVATION OF FUNDS. (a) If
7 the facility or veteran fails to request reimbursement for
8 treatment or for travel and living expenses under the pilot program
9 for at least six months following the conclusion of treatment, the
10 commission shall notify the facility and the veteran receiving
11 treatment under the facility's treatment plan that the funding
12 reserved for the treatment and expenses will be terminated on the
13 90th day after the date the commission provides notice under this
14 subsection unless the facility or veteran notifies the commission
15 of continued treatment and expenses under the pilot program or
16 requests reimbursement for the treatment already provided or
17 expenses already incurred under the pilot program.

18 (b) If a facility or veteran fails to notify the commission
19 of continued treatment and expenses in the time required under
20 Subsection (a), the executive commissioner shall terminate the
21 reservation of funds in the veterans recovery account under the
22 facility's treatment plan for that veteran.

23 Sec. 49.008. REPORT. Not later than October 1 of each
24 even-numbered year, the commission shall submit to the governor,
25 lieutenant governor, speaker of the house of representatives, and
26 appropriate standing committees of the legislature a report
27 regarding the pilot program that includes an evaluation of the

1 effectiveness of the pilot program and the number of veterans and
2 facilities participating in the pilot program.

3 Sec. 49.009. EXPIRATION OF CHAPTER. This chapter expires
4 September 1, 2023. Any remaining balance in the veterans recovery
5 account on the expiration of this chapter is transferred to the
6 general revenue fund.

7 SECTION 2. The executive commissioner of the Health and
8 Human Services Commission shall adopt the rules necessary to
9 implement Chapter 49, Health and Safety Code, as added by this Act,
10 not later than January 1, 2018.

11 SECTION 3. This Act takes effect September 1, 2017.