

By: Buckingham, Campbell

S.B. No. 1075

A BILL TO BE ENTITLED

AN ACT

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

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

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

CHAPTER 49. VETERANS RECOVERY PILOT PROGRAM

Sec. 49.001. DEFINITIONS. In this chapter:

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

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

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

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

(B) a hyperbaric oxygen device that is approved by the United States Food and Drug Administration for 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 department, 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 department's
24 expenses in administering the pilot program, the department may not
25 operate the pilot program.

26 (c) The commissioner may appoint an advisory board to assist
27 the department 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 department 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 commissioner shall administer the veterans recovery
22 account. Money in the account may be used only to pay for:

23 (1) expenses of administering the pilot program;

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

27 (3) a veteran's necessary travel and living expenses

1 for a veteran required to travel to obtain treatment under the pilot
2 program.

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

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

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

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

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

23 (2) verification of facility and veteran eligibility;

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

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

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

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

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

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

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

24 (b) A facility that elects to provide hyperbaric oxygen
25 treatment to a veteran under Subsection (a) shall provide the
26 treatment without charge to the veteran. A veteran receiving
27 treatment under the pilot program is not liable for the cost of

1 treatment or expenses incurred under the pilot program. The
2 facility may submit to the department a request for reimbursement
3 from the veterans recovery account for expenses incurred for the
4 treatment.

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

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

12 (1) the treatment was provided according to the
13 treatment plan approved by the department;

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

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

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

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

26 (g) From money in the veterans recovery account, the
27 commissioner shall reimburse a veteran required to travel to obtain

1 treatment under the pilot program for the travel and living
2 expenses approved by the department in the treatment plan. The
3 expenses may not exceed the amount reserved for those expenses
4 under Section 49.005.

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

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

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

1 facilities participating in the pilot program.

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

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

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