

House Bill 271
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

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 commission 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 board with a national clinical trial number.

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

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

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

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

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

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

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(1) "Facility" includes a hospital, public health clinic, outpatient health clinic, community health center, and any other facility authorized under commission 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 post-traumatic stress disorder or a traumatic brain injury 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 board with a national clinical trial number.

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

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

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

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

(A) an active or reserve component of the army, navy, air force, coast guard, or marine corps of the United States; or
[FA1(1)]

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

(C) an auxiliary service of one of the armed forces described in Paragraphs (A) and (B).

Sec. 49.002. ESTABLISHMENT AND OPERATION OF PILOT PROGRAM. (a) Except as provided by Subsection (b), the commission, using existing resources, shall establish and operate the Veterans Recovery Pilot Program to provide diagnostic services, hyperbaric oxygen treatment, and support services to eligible veterans who have post-traumatic stress disorder or a traumatic brain injury.

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

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

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

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

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

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

(b) The veterans recovery account consists of:

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(B) the Texas National Guard as defined by Section 431.001 (4), Government Code. [FA1(2)]

Sec. 49.002. ESTABLISHMENT AND OPERATION OF PILOT PROGRAM. (a) Except as provided by Subsection (b), the commission, using existing resources, shall establish and operate the Veterans Recovery Pilot Program to provide diagnostic services, hyperbaric oxygen treatment, and support services to eligible veterans who have post-traumatic stress disorder or a traumatic brain injury.

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

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

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

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

(b) The veterans recovery account consists of:

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(1) gifts, grants, and other donations received for the account; and
(2) interest earned on the investment of money in the fund.
(c) Section 403.071, Government Code, does not apply to the veterans recovery account.
(d) The executive commissioner shall administer the veterans recovery account. Money in the account may be used only to pay for:
(1) expenses of administering the pilot program;
(2) diagnostic testing and treatment of a veteran with post-traumatic stress disorder or a traumatic brain injury under the pilot program; and
(3) a veteran's necessary travel and living expenses for a veteran required to travel to obtain treatment under the pilot program.
(e) The executive commissioner shall seek reimbursement for payments made under the pilot 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) The executive commissioner by rule shall adopt standards for the provision of hyperbaric oxygen treatment under the pilot program to veterans who have been diagnosed with post-traumatic stress disorder or a traumatic brain injury, have been prescribed hyperbaric oxygen treatment by a health care practitioner, and voluntarily agree to treatment under the pilot program.
(b) A facility providing medical care to a veteran who is eligible for hyperbaric oxygen treatment under the pilot program may apply for reimbursement for treatment under the pilot program.

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(1) gifts, grants, and other donations received for the account; and
(2) interest earned on the investment of money in the fund.
(c) Section 403.0956, Government Code, does not apply to the veterans recovery account.
(d) The executive commissioner shall administer the veterans recovery account. Money in the account may be used only to pay for:
(1) expenses of administering the pilot program;
(2) diagnostic testing and treatment of a veteran with post-traumatic stress disorder or a traumatic brain injury under the pilot program; and
(3) a veteran's necessary travel and living expenses for a veteran required to travel to obtain treatment under the pilot program.
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(b) A facility providing medical care to a veteran who is eligible for hyperbaric oxygen treatment under the pilot program may apply for reimbursement for treatment under the pilot program.

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

- (1) a prescription order for hyperbaric oxygen treatment issued by a health care practitioner;
- (2) verification of facility and veteran eligibility;
- (3) 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
- (4) any other information required by the commission.

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

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

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

(g) The executive commissioner shall reserve in the veterans recovery 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 pilot program.

Sec. 49.006. PROVISION OF SERVICES; REIMBURSEMENT. (a) A facility may provide hyperbaric oxygen treatment under the pilot program to a veteran who

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

- (1) a prescription order for hyperbaric oxygen treatment issued by a health care practitioner;
- (2) verification of facility and veteran eligibility;
- (3) 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
- (4) any other information required by the commission.

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

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

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

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

Sec. 49.006. PROVISION OF SERVICES; REIMBURSEMENT. (a) A facility may provide hyperbaric oxygen treatment under the pilot program to a veteran who

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has post-traumatic stress disorder or a traumatic brain injury if the commission approved a treatment plan under Section 49.005 for the veteran.

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

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

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

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

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

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

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

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

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has post-traumatic stress disorder or a traumatic brain injury if the commission approves a treatment plan under Section 49.005 for the veteran.

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

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

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

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

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

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

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

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

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

Sec. 49.007. TERMINATION OF RESERVATION OF FUNDS. (a) If the facility or veteran fails to request reimbursement for treatment or for travel and living expenses under the pilot program for at least six months following the conclusion of treatment, the commission shall 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 the commission provides notice under this subsection unless the facility or veteran notifies the commission of continued treatment and expenses under the pilot program or requests reimbursement for the treatment already provided or expenses already incurred under the pilot program.

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

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

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

Sec. 49.007. TERMINATION OF RESERVATION OF FUNDS. (a) If the facility or veteran fails to request reimbursement for treatment or for travel and living expenses under the pilot program for at least six months following the conclusion of treatment, the commission shall 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 the commission provides notice under this subsection unless the facility or veteran notifies the commission of continued treatment and expenses under the pilot program or requests reimbursement for the treatment already provided or expenses already incurred under the pilot program.

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

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

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

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

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

SECTION 2. Same as House version.

SECTION 3. Same as House version.

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