



January 23, 2019

SENATE BILL No. 491

DIGEST OF SB 491 (Updated January 22, 2019 10:42 am - DI 133)

Citations Affected: IC 10-17; noncode.

Synopsis: Funding for veterans programs. Extends to 2021 the veterans pilot program that provides assistance for certain providers to provide diagnostic testing and hyperbaric oxygen treatment to veterans. (Under current law, the program expires June 30, 2020.) Makes conforming changes.

Effective: Upon passage; July 1, 2019.

Tomes

January 14, 2019, read first time and referred to Committee on Veterans Affairs and The Military.

January 22, 2019, reported favorably — Do Pass; reassigned to Committee on Appropriations.

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January 23, 2019

First Regular Session of the 121st General Assembly (2019)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2018 Regular and Special Session of the General Assembly.

SENATE BILL No. 491

A BILL FOR AN ACT to amend the Indiana Code concerning military and veterans.

Be it enacted by the General Assembly of the State of Indiana:

- 1 SECTION 1. IC 10-17-13.5-6, AS AMENDED BY P.L.155-2018,
2 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2019]: Sec. 6. (a) As used in this section, "hyperbaric oxygen
4 treatment" means treatment for traumatic brain injury or posttraumatic
5 stress disorder that is ordered by a health care provider and delivered
6 in a hyperbaric chamber.
7 (b) The department shall establish a pilot program for the purpose
8 of providing assistance for each provider that has been approved by the
9 state department of health to provide diagnostic testing and hyperbaric
10 oxygen treatment to veterans receiving treatment under section 4(b) of
11 this chapter.
12 (c) The state department of health shall issue a request for proposals
13 to select up to five (5) providers that collectively represent the north,
14 south, east, west, and central geographic areas of Indiana to offer the
15 treatment described in section 4(b) of this chapter.
16 (d) An individual veteran is eligible to begin treatment if the service
17 related event that caused the traumatic brain injury or posttraumatic

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- 1 stress disorder is documented by a licensed physician.
- 2 (e) An individual veteran must pay a co-pay equal to ten percent
3 (10%) of the cost of treatment billed to the department or the state
4 department of health.
- 5 (f) A grant under the pilot program established under subsection (b)
6 may be provided only to the provider chosen by the state department of
7 health to provide diagnostic testing and hyperbaric oxygen treatment
8 to veterans.
- 9 (g) The state department of health, after consulting with the
10 department, shall adopt rules under IC 4-22-2 to implement section
11 4(b) of this chapter, including standards for the following:
- 12 (1) Determination by a provider that an individual is a veteran
13 eligible for participation in the pilot program.
- 14 (2) Determination by the state department of health that a
15 provider is eligible to participate in the pilot program, including:
16 (A) a requirement that the provider must maintain compliance
17 with applicable fire codes, treatment protocols, and state
18 department of health oversight; and
19 (B) other facility standards determined by the state department
20 of health.
- 21 (3) Treatment plan requirements, including the following:
- 22 (A) A provider's submission to the state department of health,
23 before providing hyperbaric oxygen treatment to a veteran, of
24 a treatment plan that includes:
25 (i) a health care provider's prescription for hyperbaric
26 oxygen treatment;
27 (ii) verification by the provider that the veteran is eligible
28 for participation in the pilot program and voluntarily accepts
29 treatment through the pilot program;
30 (iii) an estimate of the cost of the veteran's treatment; and
31 (iv) any other information required by the state department
32 of health.
- 33 (B) A reasonable time frame for:
34 (i) approval or disapproval by the state department of health
35 of a treatment plan described in clause (A); and
36 (ii) notice to the provider of approval or disapproval of the
37 treatment plan.
- 38 (C) Contingent on sufficient funding available in the fund,
39 approval of each treatment plan that meets the requirements
40 established by the state department of health under this
41 section.
- 42 (D) The sources of funding for the estimated treatment cost for



- 1 each veteran whose treatment plan is approved under this
2 section.
- 3 (4) Criteria for approval of payment for treatment that has been
4 verified by the state department of health to have been provided
5 under a treatment plan approved under subdivision (3), including:
6 (A) whether a drug or device used in the treatment plan has
7 been approved for any purpose by the federal Food and Drug
8 Administration;
9 (B) health improvement of the veteran receiving the treatment,
10 as demonstrated through:
11 (i) standardized, independent pretreatment and
12 posttreatment neuropsychological testing;
13 (ii) nationally accepted survey instruments;
14 (iii) neurological imaging; or
15 (iv) clinical examination; and
16 (C) receipt by the state department of health of pretreatment
17 and posttreatment evaluation documentation.
- 18 (5) Confidentiality of all individually identifiable patient
19 information of a veteran. However, subject to the requirements of
20 the federal Health Insurance Portability and Accountability Act
21 and any other applicable medical record laws, all data and
22 information from which the identity of an individual veteran
23 cannot be reasonably ascertained must be available to the general
24 assembly, participating institutional review boards, participating
25 health care providers, medical researchers, and other
26 governmental agencies.
- 27 (h) A provider under this section, including a physician who
28 supervises treatment, shall bill the pilot program and be paid at cost out
29 of the grant amount awarded to the provider. No providers may profit
30 from services provided under the pilot program. Services offered under
31 the pilot program are provided as a service to veterans.
- 32 (i) Each provider shall quarterly file a status report concerning the
33 services provided by the provider under the pilot program with the
34 following:
35 (1) The department.
36 (2) The state department of health.
- 37 (j) At the conclusion of the pilot program, the department, in
38 collaboration with the state department of health, shall prepare a
39 written final report and transmit it to the following:
40 (1) The governor.
41 (2) The leadership of the legislative council in electronic format
42 under IC 5-14-6.



- 1 (3) The chairperson of the house committee on veterans affairs
 2 and public safety.
- 3 (4) The chairperson of the senate committee on veterans affairs
 4 and the military.
- 5 The report required under this subsection must be made available on
 6 the department's Internet web site.
- 7 (k) This section expires June 30, ~~2020~~ 2021.
- 8 SECTION 2. [EFFECTIVE UPON PASSAGE] (a) **The following**
 9 **definitions apply throughout this SECTION:**
- 10 (1) **"Department"** refers to the Indiana department of
 11 veterans' affairs.
- 12 (2) **"Pilot program"** refers to the pilot program established
 13 under IC 10-17-13.5-6, as amended by this act, to provide
 14 assistance to approved providers that furnish diagnostic
 15 testing and hyperbaric oxygen treatment to veterans.
- 16 (b) Money appropriated to the department in P.L.217-2017,
 17 SECTION 8, for purposes of the pilot program for state fiscal
 18 years beginning July 1, 2017, and ending June 30, 2019, and
 19 remaining unspent at the end of the state fiscal year ending June
 20 30, 2019:
- 21 (1) remains available to the department for the purposes of
 22 the pilot program; and
- 23 (2) does not revert to the state general fund.
- 24 (c) Money appropriated to the department for purposes of the
 25 pilot program for state fiscal years beginning July 1, 2017, and
 26 ending June 30, 2019, may not be spent after June 30, 2021. Any
 27 money appropriated to the department for the pilot program that
 28 remains unspent after June 30, 2021, reverts to the state general
 29 fund.
- 30 (d) This SECTION expires July 1, 2021.
- 31 SECTION 3. An emergency is declared for this act.



COMMITTEE REPORT

Madam President: The Senate Committee on Veterans Affairs and The Military, to which was referred Senate Bill No. 491, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill DO PASS and be reassigned to the Senate Committee on Appropriations.

(Reference is to SB 491 as introduced.)

TOMES, Chairperson

Committee Vote: Yeas 9, Nays 0

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