



Reprinted
April 2, 2019

ENGROSSED

SENATE BILL No. 491

DIGEST OF SB 491 (Updated April 1, 2019 6:36 pm - DI 101)

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.) Eliminates the requirement that a veteran must pay a co-pay equal to 10% of the cost of treatment billed to the Indiana department of veterans' affairs (department) or the state department of health for diagnostic testing and hyperbaric oxygen treatment. Provides that an individual veteran may not be required to pay a co-pay under the program. Voids the rule of state department of health defining "co-pay" for purposes of the program. Requires the state department of health to adopt emergency rules to amend specified existing program rules to do the following: (1) Remove the requirement that a veteran must pay a co-pay equal to 10% of the cost of treatment billed to the department. (2) Provide that grants may not be made under the program after June 30, 2021.

Effective: Upon passage.

**Tomes, Garten, Sandlin, Boots,
Merritt, Doriot, Mrvan,
Randolph Lonnie M**

(HOUSE SPONSORS — FRYE R, GUTWEIN, BARTELS, MACER)

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.

February 18, 2019, reported favorably — Do Pass.

February 21, 2019, read second time, ordered engrossed. Engrossed.

February 25, 2019, read third time, passed. Yeas 49, nays 0.

HOUSE ACTION

March 5, 2019, read first time and referred to Committee on Veterans Affairs and Public Safety.

March 28, 2019, amended, reported — Do Pass.

April 1, 2019, read second time, amended, ordered engrossed.

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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.

ENGROSSED 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 UPON PASSAGE]: Sec. 6. (a) As used in this section, "hyperbaric
4 oxygen treatment" means treatment for traumatic brain injury or
5 posttraumatic stress disorder that is ordered by a health care provider
6 and delivered 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~~ **may not be required to** pay a
3 co-pay **under the pilot program.** ~~equal to ten percent (10%) of the~~
4 ~~cost of treatment billed to the department or the state department of~~
5 ~~health.~~

6 (f) A grant under the pilot program established under subsection (b)
7 may be provided only to the provider chosen by the state department of
8 health to provide diagnostic testing and hyperbaric oxygen treatment
9 to veterans.

10 (g) The state department of health, after consulting with the
11 department, shall adopt rules under IC 4-22-2 to implement section
12 4(b) of this chapter, including standards for the following:

13 (1) Determination by a provider that an individual is a veteran
14 eligible for participation in the pilot program.

15 (2) Determination by the state department of health that a
16 provider is eligible to participate in the pilot program, including:

17 (A) a requirement that the provider must maintain compliance
18 with applicable fire codes, treatment protocols, and state
19 department of health oversight; and

20 (B) other facility standards determined by the state department
21 of health.

22 (3) Treatment plan requirements, including the following:

23 (A) A provider's submission to the state department of health,
24 before providing hyperbaric oxygen treatment to a veteran, of
25 a treatment plan that includes:

26 (i) a health care provider's prescription for hyperbaric
27 oxygen treatment;

28 (ii) verification by the provider that the veteran is eligible
29 for participation in the pilot program and voluntarily accepts
30 treatment through the pilot program;

31 (iii) an estimate of the cost of the veteran's treatment; and

32 (iv) any other information required by the state department
33 of health.

34 (B) A reasonable time frame for:

35 (i) approval or disapproval by the state department of health
36 of a treatment plan described in clause (A); and

37 (ii) notice to the provider of approval or disapproval of the
38 treatment plan.

39 (C) Contingent on sufficient funding available in the fund,
40 approval of each treatment plan that meets the requirements
41 established by the state department of health under this
42 section.



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



1 under IC 5-14-6.

2 (3) The chairperson of the house committee on veterans affairs
3 and public safety.

4 (4) The chairperson of the senate committee on veterans affairs
5 and the military.

6 The report required under this subsection must be made available on
7 the department's Internet web site.

8 (k) This section expires June 30, ~~2020~~ 2021.

9 SECTION 2. [EFFECTIVE UPON PASSAGE] (a) **The following**
10 **definitions apply throughout this SECTION:**

11 (1) "Department" refers to the Indiana department of
12 veterans' affairs.

13 (2) "Pilot program" refers to the pilot program established
14 under IC 10-17-13.5-6, as amended by this act, to provide
15 assistance to approved providers that furnish diagnostic
16 testing and hyperbaric oxygen treatment to veterans.

17 (b) Money appropriated to the department in P.L.217-2017,
18 SECTION 8, for purposes of the pilot program for state fiscal
19 years beginning July 1, 2017, and ending June 30, 2019, and
20 remaining unspent at the end of the state fiscal year ending June
21 30, 2019:

22 (1) remains available to the department for the purposes of
23 the pilot program; and

24 (2) does not revert to the state general fund.

25 (c) Money appropriated to the department for purposes of the
26 pilot program for state fiscal years beginning July 1, 2017, and
27 ending June 30, 2019, may not be spent after June 30, 2021. Any
28 money appropriated to the department for the pilot program that
29 remains unspent after June 30, 2021, reverts to the state general
30 fund.

31 (d) This SECTION expires July 1, 2021.

32 SECTION 3. [EFFECTIVE UPON PASSAGE] (a) **410 IAC 37-1-2**
33 **is void. The publisher of the Indiana Administrative Code and**
34 **Indiana Register shall remove this section from the Indiana**
35 **Administrative Code.**

36 (b) Before July 1, 2019, the state department of health shall
37 adopt an emergency rule in the manner provided under
38 IC 4-22-2-37.1 to amend 410 IAC 37-1-11(b) to remove the
39 requirement that for a veteran to be eligible to participate in the
40 pilot program established under IC 10-17-13.5-6, as amended by
41 this act, the veteran must pay a co-pay equal to ten percent (10%)
42 of the cost of treatment billed to the Indiana department of



1 veterans' affairs. Notwithstanding IC 4-22-2-37.1(g), an emergency
2 rule adopted by the state department of health under this
3 subsection and in the manner provided under IC 4-22-2-37.1
4 expires July 1, 2021.

5 (c) Before July 1, 2019, the state department of health shall
6 adopt an emergency rule in the manner provided under
7 IC 4-22-2-37.1 to amend 410 IAC 37-1-13(c) to provide that grants
8 may not be made under the pilot program established under
9 IC 10-17-13.5-6, as amended by this act, after June 30, 2021.
10 Notwithstanding IC 4-22-2-37.1(g), an emergency rule adopted by
11 the state department of health under this subsection and in the
12 manner provided under IC 4-22-2-37.1 expires July 1, 2021.

13 (d) This SECTION expires July 1, 2021.

14 SECTION 4. 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

COMMITTEE REPORT

Madam President: The Senate Committee on Appropriations, 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.

(Reference is to SB 491 as printed January 23, 2019.)

MISHLER, Chairperson

Committee Vote: Yeas 13, Nays 0

COMMITTEE REPORT

Mr. Speaker: Your Committee on Veterans Affairs and Public Safety, to which was referred Senate Bill 491, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 10-17-13.5-4, AS AMENDED BY P.L.155-2018, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 4. (a) The department may make grants to qualified entities to be used for the purpose of providing services to veterans, including the following:

- (1) Programs focused on eliminating homelessness, preventing

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near term homelessness, and providing safe and secure living conditions.

(2) Assisting veterans in moving from public housing assistance programs to:

- (A) home ownership; or
- (B) stable, long term rental status.

A grant under this chapter for the purpose specified in clause (B) may include up to nine (9) months of rental assistance.

(3) Assisting veterans in finding and using available federal and state resources.

(4) Providing therapeutic services.

(5) Providing job training and job search assistance.

(b) The department may make grants to the provider chosen by the state department of health under section 6 of this chapter to be used for the purpose of providing assistance to the provider to provide diagnostic testing and hyperbaric oxygen treatment to veterans receiving treatment under the pilot program established under section 6 of this chapter. However, a grant under this chapter may not be awarded for the purposes specified in this subsection unless the state department of health has adopted the rules required by section ~~6(g)~~ **6(f)** of this chapter. In addition, a grant may not be awarded for the purposes specified in this subsection after the expiration of the pilot program established under section 6 of this chapter."

Page 2, strike lines 2 through 4.

Page 2, line 5, strike "(f)" and insert "(e)".

Page 2, line 9, strike "(g)" and insert "(f)".

Page 3, line 27, strike "(h)" and insert "(g)".

Page 3, line 32, strike "(i)" and insert "(h)".

Page 3, line 37, strike "(j)" and insert "(i)".

Page 4, line 7, strike "(k)" and insert "(j)".

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to SB 491 as printed February 19, 2019.)

FRYE R

Committee Vote: yeas 11, nays 0.

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HOUSE MOTION

Mr. Speaker: I move that Engrossed Senate Bill 491 be amended to read as follows:

Replace the effective date in SECTION 2 with "[EFFECTIVE UPON PASSAGE]".

Page 1, delete lines 1 through 17.

Page 2, delete lines 1 through 12.

Page 2, line 31, reset in roman "(c) An individual veteran".

Page 2, line 31, after "must" insert "**may not be required to**".

Page 2, line 31, reset in roman "pay a co-pay".

Page 2, line 31, after "co-pay" insert "**under the pilot program.**".

Page 2, line 34, reset in roman "(f)".

Page 2, line 34, delete "(e)".

Page 2, line 38, reset in roman "(g)".

Page 2, line 38, delete "(f)".

Page 4, line 14, reset in roman "(h)".

Page 4, line 14, delete "(g)".

Page 4, line 19, reset in roman "(i)".

Page 4, line 19, delete "(h)".

Page 4, line 24, reset in roman "(j)".

Page 4, line 24, delete "(i)".

Page 4, line 36, reset in roman "(k)".

Page 4, line 36, delete "(j)".

Page 5, between lines 17 and 18, begin a new paragraph and insert:

"SECTION 3. [EFFECTIVE UPON PASSAGE] **(a) 410 IAC 37-1-2 is void. The publisher of the Indiana Administrative Code and Indiana Register shall remove this section from the Indiana Administrative Code.**

(b) Before July 1, 2019, the state department of health shall adopt an emergency rule in the manner provided under IC 4-22-2-37.1 to amend 410 IAC 37-1-11(b) to remove the requirement that for a veteran to be eligible to participate in the pilot program established under IC 10-17-13.5-6, as amended by this act, the veteran must pay a co-pay equal to ten percent (10%) of the cost of treatment billed to the Indiana department of veterans' affairs. Notwithstanding IC 4-22-2-37.1(g), an emergency rule adopted by the state department of health under this subsection and in the manner provided under IC 4-22-2-37.1 expires July 1, 2021.

(c) Before July 1, 2019, the state department of health shall adopt an emergency rule in the manner provided under IC 4-22-2-37.1 to amend 410 IAC 37-1-13(c) to provide that

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GRANTS may not be made under the pilot program established under IC 10-17-13.5-6, as amended by this act, after June 30, 2021. Notwithstanding IC 4-22-2-37.1(g), an emergency rule adopted by the state department of health under this subsection and in the manner provided under IC 4-22-2-37.1 expires July 1, 2021.

(d) This SECTION expires July 1, 2021."

Renumber all SECTIONS consecutively.

(Reference is to ESB 491 as printed March 29, 2019.)

FRYE R

