

# SENATE BILL No. 555

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## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 10-17-13.5; IC 16-18-2-184.2; IC 16-42-29; IC 34-30-2-38.5.

**Synopsis:** Hyperbaric oxygen therapy pilot programs. Eliminates the requirement that a veteran pay a 10% co-pay for treatment received under the hyperbaric oxygen treatment pilot program. Eliminates the requirement that treatment plans for a veteran specify the sources of funding for treating the veteran. Postpones the expiration of the pilot program from June 30, 2020, to June 30, 2021. Establishes a pilot program to treat opioid addiction with hyperbaric oxygen therapy. Appropriates \$500,000 to the Indiana department of veterans' affairs for making grants and administering the hyperbaric oxygen treatment pilot program for veterans. Appropriates \$500,000 to the state department of health to administer the pilot program for treating opioid addiction with hyperbaric oxygen therapy.

**Effective:** July 1, 2019.

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

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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.

## SENATE BILL No. 555

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A BILL FOR AN ACT to amend the Indiana Code concerning health and to make an appropriation.

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

- 1 SECTION 1. IC 10-17-13.5-4, AS AMENDED BY P.L.155-2018,  
2 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
3 JULY 1, 2019]: Sec. 4. (a) The department may make grants to  
4 qualified entities to be used for the purpose of providing services to  
5 veterans, including the following:  
6 (1) Programs focused on eliminating homelessness, preventing  
7 near term homelessness, and providing safe and secure living  
8 conditions.  
9 (2) Assisting veterans in moving from public housing assistance  
10 programs to:  
11 (A) home ownership; or  
12 (B) stable, long term rental status.  
13 A grant under this chapter for the purpose specified in clause (B)  
14 may include up to nine (9) months of rental assistance.  
15 (3) Assisting veterans in finding and using available federal and  
16 state resources.  
17 (4) Providing therapeutic services.



1 (5) Providing job training and job search assistance.

2 (b) The department may make grants to the provider chosen by the  
3 state department of health under section 6 of this chapter to be used for  
4 the purpose of providing assistance to the provider to provide  
5 diagnostic testing and hyperbaric oxygen treatment to veterans  
6 receiving treatment under the pilot program established under section  
7 6 of this chapter. However, a grant under this chapter may not be  
8 awarded for the purposes specified in this subsection unless the state  
9 department of health has adopted the rules required by section ~~6(g)~~ **6(f)**  
10 of this chapter. In addition, a grant may not be awarded for the  
11 purposes specified in this subsection after the expiration of the pilot  
12 program established under section 6 of this chapter.

13 SECTION 2. IC 10-17-13.5-6, AS AMENDED BY P.L.155-2018,  
14 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
15 JULY 1, 2019]: Sec. 6. (a) As used in this section, "hyperbaric oxygen  
16 treatment" means treatment for traumatic brain injury or posttraumatic  
17 stress disorder that is ordered by a health care provider and delivered  
18 in a hyperbaric chamber.

19 (b) The department shall establish a pilot program for the purpose  
20 of providing assistance for each provider that has been approved by the  
21 state department of health to provide diagnostic testing and hyperbaric  
22 oxygen treatment to veterans receiving treatment under section 4(b) of  
23 this chapter.

24 (c) The state department of health shall issue a request for proposals  
25 to select up to five (5) providers that collectively represent the north,  
26 south, east, west, and central geographic areas of Indiana to offer the  
27 treatment described in section 4(b) of this chapter.

28 (d) An individual veteran is eligible to begin treatment if the service  
29 related event that caused the traumatic brain injury or posttraumatic  
30 stress disorder is documented by a licensed physician.

31 ~~(e) An individual veteran must pay a co-pay equal to ten percent~~  
32 ~~(10%) of the cost of treatment billed to the department or the state~~  
33 ~~department of health.~~

34 ~~(f)~~ **(e)** A grant under the pilot program established under subsection  
35 (b) may be provided only to the provider chosen by the state  
36 department of health to provide diagnostic testing and hyperbaric  
37 oxygen treatment to veterans.

38 ~~(g)~~ **(f)** The state department of health, after consulting with the  
39 department, shall adopt rules under IC 4-22-2 to implement section  
40 4(b) of this chapter, including standards for the following:

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



- 1 (2) Determination by the state department of health that a  
 2 provider is eligible to participate in the pilot program, including:  
 3 (A) a requirement that the provider must maintain compliance  
 4 with applicable fire codes, treatment protocols, and state  
 5 department of health oversight; and  
 6 (B) other facility standards determined by the state department  
 7 of health.
- 8 (3) Treatment plan requirements, including the following:  
 9 (A) A provider's submission to the state department of health,  
 10 before providing hyperbaric oxygen treatment to a veteran, of  
 11 a treatment plan that includes:  
 12 (i) a health care provider's prescription for hyperbaric  
 13 oxygen treatment;  
 14 (ii) verification by the provider that the veteran is eligible  
 15 for participation in the pilot program and voluntarily accepts  
 16 treatment through the pilot program;  
 17 (iii) an estimate of the cost of the veteran's treatment; and  
 18 (iv) any other information required by the state department  
 19 of health.
- 20 (B) A reasonable time frame for:  
 21 (i) approval or disapproval by the state department of health  
 22 of a treatment plan described in clause (A); and  
 23 (ii) notice to the provider of approval or disapproval of the  
 24 treatment plan.
- 25 (C) Contingent on sufficient funding available in the fund,  
 26 approval of each treatment plan that meets the requirements  
 27 established by the state department of health under this  
 28 section.
- 29 ~~(D) The sources of funding for the estimated treatment cost for~~  
 30 ~~each veteran whose treatment plan is approved under this~~  
 31 ~~section.~~
- 32 (4) Criteria for approval of payment for treatment that has been  
 33 verified by the state department of health to have been provided  
 34 under a treatment plan approved under subdivision (3), including:  
 35 (A) whether a drug or device used in the treatment plan has  
 36 been approved for any purpose by the federal Food and Drug  
 37 Administration;  
 38 (B) health improvement of the veteran receiving the treatment,  
 39 as demonstrated through:  
 40 (i) standardized, independent pretreatment and  
 41 posttreatment neuropsychological testing;  
 42 (ii) nationally accepted survey instruments;



- 1 (iii) neurological imaging; or  
 2 (iv) clinical examination; and  
 3 (C) receipt by the state department of health of pretreatment  
 4 and posttreatment evaluation documentation.
- 5 (5) Confidentiality of all individually identifiable patient  
 6 information of a veteran. However, subject to the requirements of  
 7 the federal Health Insurance Portability and Accountability Act  
 8 and any other applicable medical record laws, all data and  
 9 information from which the identity of an individual veteran  
 10 cannot be reasonably ascertained must be available to the general  
 11 assembly, participating institutional review boards, participating  
 12 health care providers, medical researchers, and other  
 13 governmental agencies.
- 14 (†) (g) A provider under this section, including a physician who  
 15 supervises treatment, shall bill the pilot program and be paid at cost out  
 16 of the grant amount awarded to the provider. No providers may profit  
 17 from services provided under the pilot program. Services offered under  
 18 the pilot program are provided as a service to veterans.
- 19 (†) (h) Each provider shall quarterly file a status report concerning  
 20 the services provided by the provider under the pilot program with the  
 21 following:
- 22 (1) The department.
  - 23 (2) The state department of health.
- 24 (†) (i) At the conclusion of the pilot program, the department, in  
 25 collaboration with the state department of health, shall prepare a  
 26 written final report and transmit it to the following:
- 27 (1) The governor.
  - 28 (2) The leadership of the legislative council in electronic format  
 29 under IC 5-14-6.
  - 30 (3) The chairperson of the house committee on veterans affairs  
 31 and public safety.
  - 32 (4) The chairperson of the senate committee on veterans affairs  
 33 and the military.
- 34 The report required under this subsection must be made available on  
 35 the department's Internet web site.
- 36 (†) (j) This section expires June 30, ~~2020~~ 2021.
- 37 SECTION 3. IC 16-18-2-184.2 IS ADDED TO THE INDIANA  
 38 CODE AS A NEW SECTION TO READ AS FOLLOWS  
 39 [EFFECTIVE JULY 1, 2019]: **Sec. 184.2. "Hyperbaric oxygen  
 40 treatment", for purposes of IC 16-42-29, has the meaning set forth  
 41 in IC 16-42-29-1.**
- 42 SECTION 4. IC 16-42-29 IS ADDED TO THE INDIANA CODE



1 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE  
2 JULY 1, 2019]:

3 **Chapter 29. Hyperbaric Oxygen Treatment Pilot Program**

4 **Sec. 1. As used in this chapter, "hyperbaric oxygen treatment"**  
5 **means treatment for opioid addiction that is ordered by a health**  
6 **care provider and delivered in a hyperbaric chamber.**

7 **Sec. 2. The state department shall establish a pilot program for**  
8 **the purpose of providing diagnostic testing and hyperbaric oxygen**  
9 **treatment to individuals addicted to opioids.**

10 **Sec. 3. The state department shall issue a request for proposals**  
11 **to select one (1) provider to offer the treatment described in section**  
12 **2 of this chapter.**

13 **Sec. 4. An individual is eligible to receive hyperbaric oxygen**  
14 **treatment under the pilot program if the individual's need for**  
15 **opioid addiction treatment is documented by a licensed physician**  
16 **and the physician orders hyperbaric oxygen treatment for the**  
17 **individual.**

18 **Sec. 5. A grant under the pilot program established under**  
19 **section 2 of this chapter may be provided only to the provider**  
20 **chosen by the state department to provide diagnostic testing and**  
21 **hyperbaric oxygen treatment. The provider chosen to provide**  
22 **treatment under the pilot program is not required to treat a**  
23 **particular individual unless the state department determines that**  
24 **the individual's treatment plan meets the requirements established**  
25 **under section 6 of this chapter.**

26 **Sec. 6. The state department may adopt rules under IC 4-22-2**  
27 **to implement this chapter, including standards for the following:**

28 **(1) Determination by a provider that an individual is eligible**  
29 **for participation in the pilot program.**

30 **(2) Determination by the state department that a provider is**  
31 **eligible to participate in the pilot program, including:**

32 **(A) a requirement that the provider must maintain**  
33 **compliance with applicable fire codes, treatment protocols,**  
34 **and state department oversight; and**

35 **(B) other facility standards determined by the state**  
36 **department.**

37 **(3) Treatment plan requirements, including the following:**

38 **(A) A provider's submission to the state department,**  
39 **before providing hyperbaric oxygen treatment to an**  
40 **individual, of a treatment plan that includes:**

41 **(i) a health care provider's prescription for hyperbaric**  
42 **oxygen treatment;**



1 (ii) verification by the provider that the individual is  
 2 eligible for participation in the pilot program and  
 3 voluntarily accepts treatment through the pilot program;  
 4 (iii) an estimate of the cost of the individual's treatment;  
 5 and  
 6 (iv) any other information required by the state  
 7 department.

8 (B) A reasonable time frame for:

9 (i) approval or disapproval by the state department of a  
 10 treatment plan described in clause (A); and  
 11 (ii) notice to the provider of approval or disapproval of  
 12 the treatment plan.

13 (4) Criteria for approval of payment for treatment that has  
 14 been verified by the state department to have been provided  
 15 under a treatment plan approved under subdivision (3),  
 16 including:

17 (A) whether a drug or device used in the treatment plan  
 18 has been approved for any purpose by the federal Food  
 19 and Drug Administration;

20 (B) health improvement of the individual receiving the  
 21 treatment, as demonstrated through:

22 (i) standardized, independent pretreatment and  
 23 posttreatment neuropsychological testing;  
 24 (ii) nationally accepted survey instruments;  
 25 (iii) neurological imaging; or  
 26 (iv) clinical examination; and

27 (C) receipt by the state department of health of  
 28 pretreatment and posttreatment evaluation  
 29 documentation.

30 (5) Confidentiality of all individually identifiable patient  
 31 information of an individual participating in the pilot  
 32 program. However, subject to the requirements of the federal  
 33 Health Insurance Portability and Accountability Act and any  
 34 other applicable medical record laws, all data and  
 35 information from which the identity of an individual receiving  
 36 treatment cannot be reasonably ascertained must be available  
 37 to the general assembly, participating institutional review  
 38 boards, participating health care providers, medical  
 39 researchers, and other governmental agencies.

40 Sec. 7. The provider shall give priority to the treatment of  
 41 veterans.

42 Sec. 8. The provider providing hyperbaric oxygen treatment



1 under the pilot program, including a physician who supervises  
 2 treatment, shall bill the pilot program and be paid at cost out of the  
 3 grant amount awarded to the provider. The provider may not  
 4 profit from services provided under the pilot program. Services  
 5 offered under the pilot program are provided as a service to the  
 6 individuals receiving treatment.

7 **Sec. 9.** The provider providing hyperbaric oxygen treatment  
 8 under the pilot program, including a physician who supervises  
 9 treatment, is immune from civil and criminal liability for an act or  
 10 omission relating to the use of hyperbaric oxygen treatment to  
 11 treat an individual under the pilot program, unless the act or  
 12 omission constitutes gross negligence or willful or wanton  
 13 misconduct.

14 **Sec. 10.** The provider shall quarterly file a status report  
 15 concerning the services provided by the provider under the pilot  
 16 program with the state department.

17 **Sec. 11. (a)** At the conclusion of the pilot program, the state  
 18 department shall prepare a written final report and transmit it to  
 19 the following:

20 (1) The governor.

21 (2) The legislative council in an electronic format under  
 22 IC 5-14-6.

23 (3) The chairperson of the house committee on public health.

24 (4) The chairperson of the senate committee on health and  
 25 provider services.

26 (b) The report required by subsection (a) must be made  
 27 available on the state department's Internet web site.

28 **Sec. 12.** This chapter expires June 30, 2021.

29 SECTION 5. IC 34-30-2-38.5, AS ADDED BY P.L.155-2018,  
 30 SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 31 JULY 1, 2019]: Sec. 38.5. (a) IC 10-17-13.5-7 (Concerning health care  
 32 providers that provide hyperbaric oxygen, and physicians who  
 33 supervise treatment, under the pilot program).

34 (b) **IC 16-42-29-9** (Concerning health care providers that  
 35 provide hyperbaric oxygen treatment, and physicians who  
 36 supervise treatment, under the hyperbaric oxygen treatment pilot  
 37 program established under IC 16-42-29).

38 SECTION 6. [EFFECTIVE JULY 1, 2019] (a) There is  
 39 appropriated to the Indiana department of veterans' affairs five  
 40 hundred thousand dollars (\$500,000) from the state general fund  
 41 for the department's use in making grants under  
 42 IC 10-17-13.5-4(b) and administering the hyperbaric oxygen





1 treatment pilot program established under IC 10-17-13.5-6, as  
2 amended by this act, beginning July 1, 2019, and ending June 30,  
3 2021.  
4 (b) This SECTION expires July 1, 2021.  
5 SECTION 7. [EFFECTIVE JULY 1, 2019] (a) There is  
6 appropriated to the state department of health five hundred  
7 thousand dollars (\$500,000) from the state general fund for the  
8 department's use in administering the hyperbaric oxygen  
9 treatment pilot program established under IC 16-42-29, as added  
10 by this act, beginning July 1, 2019, and ending June 30, 2021.  
11 (b) This SECTION expires July 1, 2021.

