

HB 2072 -- ALTERNATIVE TREATMENT OPTIONS FOR VETERANS

SPONSOR: Sauls

ALTERNATIVE TREATMENT FOR VETERANS

This bill allows the Veterans Commission to contract with public or private institutions of higher education in this state, or public or private clinics or hospitals, to furnish alternative treatment options for veterans who have been certified by the United States Department of Veterans Affairs, any branch of the United States Armed Forces, or any state-licensed physician as having a traumatic brain injury or posttraumatic stress disorder. The institution of higher education will manage, monitor, and ensure the compliance of contracted providers of any of the following alternative treatment options:

- (1) Accelerated resolution therapy;
- (2) Equine therapy;
- (3) Hyperbaric oxygen therapy, which will be provided at a registered and licensed hyperbaric oxygen facility;
- (4) Music therapy; or
- (5) Service animal training therapy.

A veteran qualifies to receive alternative treatment under this bill if he or she:

- (1) Has been diagnosed, by a health care practitioner, with service-connected posttraumatic stress disorder or a service-connected traumatic brain injury; and
- (2) Voluntarily agrees to such alternative treatment.

The provision of alternative treatment will be under the direction and supervision of an individual licensed under this state to perform such alternative treatment.

The supervising licensed provider must agree to cooperate with the Veterans Commission to provide data sufficient to assess the efficacy of alternative treatment modalities. Acceptable data may include, but will not be limited to, institutional review board clinical trial data, pretreatment and posttreatment MRI brain scans, cognitive testing such as the RightEye testing approved by the United States Food and Drug Administration, Automated Neuropsychological Assessment Metrics (ANAM) approved by the United

States Department of Defense, and CNS Vital Signs (CNSVS) metrics.

No later than January first of each year, beginning in 2023, the Veterans Commission will prepare a report detailing each alternative treatment provided under this bill, the provider type, the number of veterans served, and the treatment outcomes and will submit the report to the Governor, the President Pro Tem of the Senate, and the Speaker of the House of Representatives.

#### HYPERBARIC OXYGEN THERAPY FOR VETERANS

This bill specifies that a licensed physician, a licensed advanced practice registered nurse, or a licensed physician assistant or health care facility or any private hyperbaric oxygen treatment center licensed in this state will make hyperbaric oxygen therapy available to a military veteran who meets the requirements of this bill and who has requested such therapy.

Such a licensed physician, a licensed advanced practice registered nurse, or a licensed physician assistant or health care facility or any private hyperbaric oxygen treatment center licensed in this state may:

- (1) Provide the hyperbaric oxygen therapy without receiving compensation;
- (2) Require a military veteran to pay for the cost of the hyperbaric oxygen therapy and any associated costs, at a rate that will not exceed the maximum rate allowed by Medicare; or
- (3) Allow a military veteran to utilize alternative sources of funding to cover the cost of the hyperbaric oxygen therapy and any associated costs. Such alternative sources of funding may include, but will not be limited to, gifts, grants, donations, reimbursements from federal programs, and contributions from third parties. The eligible patient will remain liable to the health care provider or health care facility or any private hyperbaric oxygen treatment center licensed in this state for any portion of costs not covered by alternative sources of funding.

This bill specifies that a military veteran will be entitled to receive hyperbaric oxygen therapy if the military veteran:

- (1) Has received a diagnosis of PTSD or TBI;
- (2) Has received an official recommendation for hyperbaric oxygen therapy from the health care provider that treats the eligible patient; and

(3) Resides in this state.

A licensing board will not revoke, suspend, or fail to renew the license of a licensed physician, a licensed advanced practice registered nurse, or a licensed physician assistant, or take any other punitive action against a health care provider, based on a recommendation or counseling by the health care provider relating to access to or treatment with a hyperbaric oxygen chamber for a military veteran.

No person acting on behalf of this state will block or attempt to block a military veteran from receiving access to hyperbaric oxygen treatment.

No person will impose restrictions on access to hyperbaric oxygen therapy greater than the restrictions imposed in this bill and any other applicable provisions of law.

This bill creates in the State Treasury the "Hyperbaric Oxygen Therapy for Military Veterans Fund", which will consist of moneys collected as specified in this bill. The State Treasurer will be custodian of the Fund and may approve disbursements. The Fund will be a dedicated fund and, upon appropriation, moneys in the Fund will be used solely for the purposes described under this bill. Any moneys remaining in the Fund at the end of the biennium shall not revert to the credit of the General Revenue Fund. Moneys in the Fund will be used by the "Hyperbaric Oxygen Therapy Advisory Committee", established in this bill, to provide:

(1) Financial assistance to eligible patients for hyperbaric oxygen therapy; and

(2) Direct incentives for third parties to provide financial assistance to eligible patients for hyperbaric oxygen therapy.

The "Hyperbaric Oxygen Therapy Advisory Committee" will consist of a team of volunteer members to be appointed by the Governor. The Committee will include, but will not be limited to, active or retired members of the Armed Forces, physicians, medical experts, and nonmedical experts in relevant fields related to medicine. The terms of the Committee members will be set by the Governor upon their appointment to the Committee. The Committee members will serve at the pleasure of the Governor and may be removed from the Committee by the Governor for any reason.

The Hyperbaric Oxygen Therapy Advisory Committee will:

(1) Regularly determine how to award moneys in the Fund according to the provisions of this bill;

- (2) Create and maintain an application for eligible patients to apply for financial assistance for hyperbaric oxygen therapy;
- (3) Make recommendations to the Governor, as necessary, relating to the use of hyperbaric oxygen therapy by military veterans; and
- (4) Submit an annual report to the Governor detailing the financial status of the Fund and the demographic information of the persons to whom financial assistance has been awarded from the Fund.

This bill is similar to HB 1213 (2021).