

# HOUSE BILL NO. 1213

## 101ST GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE SAULS.

1395H.011

DANA RADEMAN MILLER, Chief Clerk

### AN ACT

To amend chapter 42, RSMo, by adding thereto one new section relating to alternative treatment options for veterans.

*Be it enacted by the General Assembly of the state of Missouri, as follows:*

Section A. Chapter 42, RSMo, is amended by adding thereto one new section, to be known as section 42.018, to read as follows:

**42.018. 1. As used in this section, the following terms mean:**

(1) "Eligible patient", a military veteran who meets the requirements of this section;

(2) "Health care facility", the same meaning as provided under section 190.100 or any private hyperbaric oxygen treatment center licensed in this state;

(3) "Health care provider", a licensed physician, a licensed advanced practice registered nurse, or a licensed physician assistant;

(4) "Posttraumatic stress disorder" or "PTSD", a mental health disorder that is developed after having experienced or witnessed a life-threatening event including, but not limited to, military sexual trauma;

(5) "Traumatic brain injury" or "TBI", an acquired injury to the brain. "Traumatic brain injury" does not include brain dysfunction caused by congenital or degenerative disorders or birth trauma.

2. The veterans commission may 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

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in bold-face type in the above bill is proposed language.

18 physician as having a traumatic brain injury or posttraumatic stress disorder. The  
19 institution of higher education shall manage, monitor, and ensure the compliance of  
20 contracted providers of any of the following alternative treatment options:

21 (1) Accelerated resolution therapy;

22 (2) Equine therapy;

23 (3) Hyperbaric oxygen therapy, which shall be provided at a registered and licensed  
24 hyperbaric oxygen facility;

25 (4) Music therapy; or

26 (5) Service animal training therapy.

27 3. A veteran qualifies to receive alternative treatment under this section if he or  
28 she:

29 (1) Has been diagnosed, by a health care practitioner, with service-connected  
30 posttraumatic stress disorder or a service-connected traumatic brain injury; and

31 (2) Voluntarily agrees to such alternative treatment.

32 4. (1) The provision of alternative treatment shall be under the direction and  
33 supervision of an individual licensed under this state to perform such alternative  
34 treatment.

35 (2) The supervising licensed provider shall agree to cooperate with the veterans  
36 commission to provide data sufficient to assess the efficacy of alternative treatment  
37 modalities. Acceptable data may include, but shall not be limited to, institutional review  
38 board clinical trial data, pretreatment and posttreatment MRI brain scans, cognitive  
39 testing such as the RightEye testing approved by the United States Food and Drug  
40 Administration, Automated Neuropsychological Assessment Metrics (ANAM) approved  
41 by the United States Department of Defense, and CNS Vital Signs (CNSVS) metrics.

42 5. (1) A health care provider or health care facility shall make hyperbaric oxygen  
43 therapy available to an eligible patient who has requested such therapy under the  
44 provisions of this subsection.

45 (2) Such a health care provider or health care facility may:

46 (a) Provide the hyperbaric oxygen therapy without receiving compensation;

47 (b) Require an eligible patient to pay for the cost of the hyperbaric oxygen therapy  
48 and any associated costs, at a rate that shall not exceed the maximum rate allowed by  
49 Medicare; or

50 (c) Allow an eligible patient to utilize alternative sources of funding to cover the  
51 cost of the hyperbaric oxygen therapy and any associated costs. Such alternative sources  
52 of funding may include, but shall not be limited to, gifts, grants, donations, reimbursements  
53 from federal programs, and contributions from third parties. The eligible patient shall

54 remain liable to the health care provider or health care facility for any portion of costs not  
55 covered by alternative sources of funding.

56 (3) Notwithstanding any provision of law to the contrary, an eligible patient shall  
57 be entitled to receive hyperbaric oxygen therapy under this subsection if the eligible  
58 patient:

59 (a) Has received a diagnosis of PTSD or TBI;

60 (b) Has received an official recommendation for hyperbaric oxygen therapy from  
61 the health care provider that treats the eligible patient; and

62 (c) Resides in this state.

63 6. A licensing board shall not revoke, suspend, or fail to renew the license of a  
64 health care provider, or take any other punitive action against a health care provider,  
65 based on a recommendation or counseling by the health care provider relating to access  
66 to or treatment with a hyperbaric oxygen chamber for an eligible patient.

67 7. No person acting on behalf of this state shall block or attempt to block an eligible  
68 patient from receiving access to hyperbaric oxygen treatment.

69 8. No person shall impose restrictions on access to hyperbaric oxygen therapy  
70 greater than the restrictions imposed under this section and any other applicable  
71 provisions of law.

72 9. (1) There is hereby created in the state treasury the "Hyperbaric Oxygen  
73 Therapy for Military Veterans Fund", which shall consist of moneys collected under this  
74 subsection. The state treasurer shall be custodian of the fund. In accordance with sections  
75 30.170 and 30.180, the state treasurer may approve disbursements. The fund shall be a  
76 dedicated fund and, upon appropriation, moneys in the fund shall be used solely for the  
77 purposes described under subdivision (2) of this subsection.

78 (2) (a) The moneys in the fund shall be used by the hyperbaric oxygen therapy  
79 advisory committee, established under paragraph (b) of this subdivision, to provide:

80 a. Financial assistance to eligible patients for hyperbaric oxygen therapy; and

81 b. Direct incentives for third parties to provide financial assistance to eligible  
82 patients for hyperbaric oxygen therapy.

83 (b) a. There is hereby established the "Hyperbaric Oxygen Therapy Advisory  
84 Committee", which shall consist of a team of volunteer members to be appointed by the  
85 governor of this state. The committee shall include, but shall not be limited to, active or  
86 retired members of the Armed Forces, physicians, medical experts, and nonmedical experts  
87 in relevant fields related to medicine. The terms of the committee members shall be set by  
88 the governor of this state upon their appointment to the committee. The committee

89 members shall serve at the pleasure of the governor and may be removed from the  
90 committee by the governor for any reason.

91 b. The hyperbaric oxygen therapy advisory committee shall:

92 (i) Regularly determine how to award moneys in the fund according to the  
93 provisions of paragraph (a) of this subdivision;

94 (ii) Create and maintain an application for eligible patients to apply for financial  
95 assistance for hyperbaric oxygen therapy;

96 (iii) Make recommendations to the governor, as necessary, relating to the use of  
97 hyperbaric oxygen therapy by military veterans; and

98 (iv) Submit an annual report to the governor detailing the financial status of the  
99 fund and the demographic information of the persons to whom financial assistance has  
100 been awarded from the fund.

101 (3) Notwithstanding the provisions of section 33.080 to the contrary, any moneys  
102 remaining in the fund at the end of the biennium shall not revert to the credit of the  
103 general revenue fund.

104 (4) The state treasurer shall invest moneys in the fund in the same manner as other  
105 funds are invested. Any interest and moneys earned on such investments shall be credited  
106 to the fund.

107 10. No later than January first of each year, beginning in 2022, the veterans  
108 commission shall prepare a report detailing each alternative treatment provided under this  
109 section, the provider type, the number of veterans served, and the treatment outcomes and  
110 shall submit the report to the governor, the president pro tempore of the senate, and the  
111 speaker of the house of representatives.

112 11. The department of public safety may promulgate all necessary rules and  
113 regulations for the implementation of this section. Any rule or portion of a rule, as that  
114 term is defined in section 536.010, that is created under the authority delegated in this  
115 section shall become effective only if it complies with and is subject to all of the provisions  
116 of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are  
117 nonseverable, and if any of the powers vested with the general assembly pursuant to  
118 chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are  
119 subsequently held unconstitutional, then the grant of rulemaking authority and any rule  
120 proposed or adopted after August 28, 2021, shall be invalid and void.

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