

SECOND REGULAR SESSION

HOUSE BILL NO. 2215

102ND GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE BROWN (16).

4770H.011

DANA RADEMAN MILLER, Chief Clerk

AN ACT

To amend chapter 191, RSMo, by adding thereto seven new sections relating to alternative therapies for veterans.

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

Section A. Chapter 191, RSMo, is amended by adding thereto seven new sections, to
2 be known as sections 191.2600, 191.2605, 191.2610, 191.2615, 191.2620, 191.2625, and
3 191.2630, to read as follows:

2 **191.2600. Sections 191.2600 to 191.2630 shall be known and may be cited as the**
3 **"Veterans Traumatic Brain Injury Treatment and Recovery Act".**

2 **191.2605. As used in sections 191.2600 to 191.2630, unless the context indicates**
3 **otherwise, the following terms mean:**

3 (1) **"Alternative therapies", any therapies for a condition that are not considered**
4 **the standard or conventional therapies for that condition including, but not limited to,**
5 **hyperbaric oxygen therapy;**

6 (2) **"Commission", the Missouri veterans commission;**

7 (3) **"Facility", a public or private health clinic, outpatient health clinic,**
8 **community health center, hospital, or other facility authorized under rules of the**
9 **department of health and senior services to provide hyperbaric oxygen therapy under**
10 **sections 191.2600 to 191.2630;**

11 (4) **"Fund", the veterans traumatic brain injury treatment and recovery fund**
12 **established in section 191.2615;**

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.

13 (5) "Health care practitioner", a person who is licensed to provide medical or
14 other health care in this state and who has prescriptive authority including, but not
15 limited to, a physician;

16 (6) "Hyperbaric oxygen therapy" or "therapy", treatment for posttraumatic
17 stress disorder or traumatic brain injury that is based on a valid prescription from a
18 health care practitioner and that is delivered through:

19 (a) A hyperbaric chamber approved by the United States Food and Drug
20 Administration; or

21 (b) A hyperbaric oxygen device that is approved by the United States Food and
22 Drug Administration;

23 (7) "Physician", a person licensed to practice medicine in this state under
24 chapter 334;

25 (8) "Posttraumatic stress disorder", a mental health condition that is triggered
26 by a terrifying event, such as by either experiencing or witnessing a life-threatening
27 event, including, but not limited to, military sexual trauma, or as a secondary sequela to
28 body trauma;

29 (9) "Traumatic brain injury", an acquired injury to the brain. The term
30 "traumatic brain injury" does not include brain dysfunction caused by a congenital or
31 degenerative disorder or birth trauma;

32 (10) "Veteran", an individual who has served:

33 (a) In an active or reserve component of the Army, Navy, Air Force, Marine
34 Corps, Space Force, or Coast Guard of the United States;

35 (b) In the National Guard of any state; or

36 (c) On active duty, other than for training, in any component of the Armed
37 Forces of the United States for a period of one hundred eighty days or more, unless
38 released earlier because of service-connected disability, and who was discharged or
39 released from the Armed Forces of the United States under other than dishonorable
40 conditions.

 191.2610. Any facility in this state that provides hyperbaric oxygen therapy to a
2 veteran shall be eligible for reimbursement for such therapy from the commission if the
3 following conditions are satisfied:

4 (1) The veteran receiving the therapy has been diagnosed, by a health care
5 practitioner, with posttraumatic stress disorder or a traumatic brain injury and has
6 demonstrated that he or she previously sought services for posttraumatic stress disorder
7 or a traumatic brain injury through the Veterans Health Administration service
8 delivery system or, if available to the veteran, through the private health insurance
9 system;

- 10 (2) The veteran receiving the therapy voluntarily agreed to the therapy;
- 11 (3) The facility complies with applicable fire codes, oversight requirements, and
12 any treatment protocols required under sections 191.2600 to 191.2630;
- 13 (4) The veteran receiving the therapy resides within this state;
- 14 (5) Any hyperbaric chamber used to treat the veteran meets the minimum
15 standards for patients established by the United States Food and Drug Administration;
- 16 (6) The facility complies with the federal Health Insurance and Portability
17 Accountability Act of 1996 for the veteran receiving the therapy;
- 18 (7) The facility's treatment protocols for hyperbaric oxygen therapy are aligned
19 with the medical standards demonstrated in published clinical trials for hyperbaric
20 oxygen therapy that occurred under the direction of an institutional review board;
- 21 (8) The hyperbaric oxygen therapy is delivered solely by health care
22 practitioners in accordance with federal and state law;
- 23 (9) Before providing hyperbaric oxygen therapy to the veteran, the facility
24 established a treatment plan consistent with the requirements of sections 191.2600 to
25 191.2630;
- 26 (10) A prescription order for hyperbaric oxygen therapy was issued by a health
27 care practitioner before the facility provided the therapy;
- 28 (11) The facility verified that both the facility and the veteran met the
29 requirements under sections 191.2600 to 191.2630 for reimbursement before proceeding
30 with the therapy;
- 31 (12) Before providing the therapy, the facility estimated the costs of the therapy,
32 including the costs of cognitive testing to be conducted before and after the therapy;
- 33 (13) The facility retains in the veteran's health care file information on the type
34 of cognitive testing performed as well as the results of the cognitive testing;
- 35 (14) The veteran is not charged or billed for the therapy by the facility or any
36 other entity and is not liable for the costs of the therapy or any expenses incurred in
37 accordance with sections 191.2600 to 191.2630;
- 38 (15) The facility and any health care practitioners involved in the hyperbaric
39 oxygen therapy agree to cooperate with the commission to provide an annual data
40 summary treatment report sufficient to assess the efficacy of alternative treatment
41 modalities for treating veterans with posttraumatic stress disorder and traumatic brain
42 injuries; and
- 43 (16) The facility receives advance approval from the commission as described in
44 section 191.2615.

191.2615. 1. (1) There is hereby created in the state treasury the "Veterans
2 Traumatic Brain Injury Treatment and Recovery Fund". The fund shall consist of any

3 appropriations, gifts, bequests, or public or private donations to such fund. The state
4 treasurer shall be custodian of the fund. In accordance with sections 30.170 and 30.180,
5 the state treasurer may approve disbursements. The fund shall be a dedicated fund and,
6 upon appropriation, moneys in this fund shall be used solely for reimbursements to
7 facilities for hyperbaric oxygen therapy provided to veterans, for administrative
8 expenses incurred by the commission in distributing such reimbursements, and for
9 studies on the use of alternative therapies to treat veterans with posttraumatic stress
10 disorder and traumatic brain injuries.

11 (2) Notwithstanding the provisions of section 33.080 to the contrary, any moneys
12 remaining in the fund at the end of the biennium shall not revert to the credit of the
13 general revenue fund.

14 (3) The state treasurer shall invest moneys in the fund in the same manner as
15 other funds are invested. Any interest and moneys earned on such investments shall be
16 credited to the fund.

17 2. Any facility that intends to seek reimbursement from the fund for hyperbaric
18 oxygen therapy provided to a veteran shall request advance approval from the
19 commission for reimbursement before providing such therapy. Upon approval by the
20 commission, the commission shall set aside the appropriate amount of funds to ensure
21 full payment for the veteran's therapy. If moneys remaining in the fund are insufficient
22 to ensure full payment, the commission shall deny the facility's request for advance
23 approval.

24 3. If at the end of the six-month period immediately following the date the
25 commission approved the facility's request for advance approval the facility has not
26 submitted any bills to the commission for the veteran or provided any therapy for the
27 veteran, the commission shall notify the veteran and the facility that the funding
28 reserved for the veteran shall expire within thirty days if the facility fails to notify the
29 commission that therapy is scheduled or continued. If the facility fails to notify the
30 commission that therapy is scheduled or continued within thirty days, the commission
31 shall release the funds reserved for the veteran and make them available for another
32 veteran's therapy under sections 191.2600 to 191.2630.

33 4. After receiving advance approval from the commission and providing
34 hyperbaric oxygen therapy to a veteran in accordance with sections 191.2600 to
35 191.2630, the facility shall not bill the veteran for the therapy but shall submit the bill
36 for the therapy to the commission.

37 5. The commission shall pay the bill for the therapy received in accordance with
38 subsection 4 of this section from the fund within forty-five days of receipt. If the costs of
39 the therapy exceed the availability of moneys remaining in the fund, the facility shall not

40 hold the veteran responsible for any payment, and the commission shall not have any
41 obligation to make payments to the facility in an amount that exceeds the amount that
42 was set aside upon advance approval as described in subsection 2 of this section.

43 6. The commission shall seek reimbursement for payments made to facilities for
44 treating veterans with hyperbaric oxygen therapy from any of the following entities
45 based on the efficacy of treatments as demonstrated in the healing of traumatic brain
46 injuries through hyperbaric oxygen therapy by cognitive testing, brain scans, or other
47 assessment protocols medically accepted by the United States Food and Drug
48 Administration or the United States Department of Defense under the War Risk
49 Insurance Act, as amended:

- 50 (1) The Tricare program of the United States Department of Defense;
51 (2) Appropriate federal agencies, including the Veterans Health Administration;
52 and
53 (3) Any other responsible third-party payer.

54 7. The department of health and senior services shall award funds to entities to
55 study the use of alternative therapies to treat veterans with posttraumatic stress
56 disorder and traumatic brain injuries.

191.2620. 1. Any facility may approve hyperbaric oxygen therapy for a veteran
2 in accordance with sections 191.2600 to 191.2630.

3 2. A licensing board shall not revoke, fail to renew, suspend, or take any action
4 against a health care practitioner based solely on the health care practitioner's
5 recommendations to a veteran regarding access to or treatment with hyperbaric oxygen
6 therapy.

7 3. No state agency shall take any action, or assist in any action, against a health
8 care practitioner's Medicare or Medicaid certification based solely on the health care
9 practitioner's recommendation that a veteran have access to hyperbaric oxygen therapy.

10 4. No official employee or agent of the state shall block or attempt to block access
11 to hyperbaric oxygen therapy by a veteran who meets all requirements to receive such
12 therapy under sections 191.2600 to 191.2630.

13 5. Counseling, advice, or recommendations provided by a health care
14 practitioner consistent with the medical standards of care shall not be considered a
15 violation of sections 191.2600 to 191.2630.

16 6. Hyperbaric oxygen therapy may be used under the direction of an
17 institutional review board with a national clinical trial number for the purpose of
18 collecting clinical trial data.

191.2625. 1. Any facility that receives reimbursement from the fund shall:

2 **(1) Provide reports on individual veterans and groups of veterans to the**
3 **commission on measured health improvements from accepted and approved cognitive**
4 **testing protocols, brain imaging, or other medical assessments approved by the industry,**
5 **the United States Food and Drug Administration, the United States Department of**
6 **Defense, Tricare, or the Centers for Medicare and Medicaid Services conducted before**
7 **and after therapy; and**

8 **(2) Submit an annual report to the commission with the following information:**

9 **(a) The number of veterans who received hyperbaric oxygen therapy at the**
10 **facility;**

11 **(b) The demographics of the veterans who received hyperbaric oxygen therapy**
12 **at the facility;**

13 **(c) The number of actual hyperbaric oxygen therapy dives by veterans**
14 **completed at the facility;**

15 **(d) Cognitive test results of veterans who received hyperbaric oxygen therapy at**
16 **the facility; and**

17 **(e) Any testimonials provided by veterans voluntarily.**

18 **2. (1) Before January first each year, the commission shall prepare a report**
19 **detailing each treatment of hyperbaric oxygen therapy provided to a veteran in**
20 **accordance with sections 191.2600 to 191.2630, the provider type for each treatment**
21 **provided, the number of veterans treated or served, the treatment outcomes for the**
22 **veterans treated or served, and a detailed accounting of the moneys used in the fund**
23 **during the immediately preceding fiscal year.**

24 **(2) The commission shall submit the report prepared under subdivision (1) of**
25 **this subsection to the governor, the president pro tempore of the senate, the speaker of**
26 **the house of representatives, and the director of the department of health and senior**
27 **services.**

28 **3. Before January thirtieth each year, the department of health and senior**
29 **services shall submit to the governor a report containing:**

30 **(1) Findings and recommendations related to the administration of sections**
31 **191.2600 to 191.2630;**

32 **(2) Findings and recommendations from any studies funded under section**
33 **191.2615 regarding the efficacy of alternative therapies to treat posttraumatic stress**
34 **disorder and traumatic brain injuries; and**

35 **(3) Recommendations on budgetary, legislative, or regulatory changes needed to**
36 **expand access to alternative therapies for veterans with posttraumatic stress disorder**
37 **and traumatic brain injuries.**

191.2630. The commission and the department of health and senior services shall
2 **jointly promulgate all necessary rules and regulations for the administration of sections**
3 **191.2600 to 191.2630. Any rule or portion of a rule, as that term is defined in section**
4 **536.010, that is created under the authority delegated in this section shall become**
5 **effective only if it complies with and is subject to all of the provisions of chapter 536 and,**
6 **if applicable, section 536.028. This section and chapter 536 are nonseverable and if any**
7 **of the powers vested with the general assembly pursuant to chapter 536 to review, to**
8 **delay the effective date, or to disapprove and annul a rule are subsequently held**
9 **unconstitutional, then the grant of rulemaking authority and any rule proposed or**
10 **adopted after August 28, 2024, shall be invalid and void.**

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