

HOUSE BILL 183

By Swann

AN ACT to amend Tennessee Code Annotated, Title 4;
Title 58 and Title 68, Chapter 55, relative to
enacting the “Tennessee Veterans Traumatic
Brain Injury Treatment and Recovery Act.”

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 68, Chapter 55, is amended by adding the following as a new part:

68-55-601. This part shall be known and may be cited as the “Tennessee Veterans Traumatic Brain Injury Treatment and Recovery Act.”

68-55-602. For the purposes of this part:

- (1) “Commissioner” means the commissioner of veterans’ affairs;
- (2) “Department” means the department of veterans’ affairs; and
- (3) “Hyperbaric oxygen treatment” (HBOT) means treatment with a valid prescription from a physician licensed under title 63, chapter 6 or chapter 9, in either a hyperbaric chamber cleared by the federal food and drug administration (FDA) or a device with an appropriate FDA-approved investigational device exemption, located at a facility in compliance with applicable state fire codes and supervised in accordance with the requirements of this part. The treatment shall be delivered solely by authorized, licensed, or nationally certified health care providers in accordance with federal and state law.

68-55-603. There is created in the state treasury a special reserve fund to be administered and allocated by the department and to be designated as the “veterans traumatic brain injury treatment and recovery fund”, referred to in this part as “the fund.” The fund shall consist of all the monies received by the department in the form of donations, appropriations by

the general assembly, or other monies for the fund. All monies accruing to the credit of the fund may be expended by the department for the purpose of veterans' treatment as provided by law. Monies from the fund may be expended to fund activities authorized by this part. Any revenues deposited in this reserve shall remain in the reserve until expended for purposes consistent with this part, and shall not revert to the general fund on any June 30. Any excess revenues on interest earned by such revenues shall not revert on any June 30, but shall remain available for allocation in subsequent fiscal years. Any unexpended balance in the fund shall not revert to the general fund on any June 30, but shall remain available for expenditure in subsequent fiscal years.

68-55-604.

(a) For the purposes of this part, a public university in this state selected by the commissioner shall have full statewide jurisdiction over all medical treatments provided and costs allowed to providers who request reimbursement from the fund created in § 68-55-603.

(b) Prior to the treatment of any veteran for a traumatic brain injury (TBI), the public university selected by the commissioner pursuant to subsection (a) shall develop and publish a standard approved treatment plan for veterans being treated using HBOT for the TBI. In the event a medical professional prescribes a treatment that does not comport and comply with the standard plan, the university shall have the authority to approve or disapprove the treatment plan reimbursement under this part.

68-55-605.

(a) Any veteran may receive HBOT at any facility in the state that has a hyperbaric chamber and provides treatment that meets the definition of HBOT in § 68-55-602 if the veteran:

(1) Is a resident of this state; and

(2) Has been diagnosed with a TBI and prescribed HBOT by a medical professional authorized under this part.

(b)

(1) Prior to a veteran receiving treatment, a treatment plan for TBI by HBOT for the veteran shall be reviewed by the commissioner. The plan shall conform to the standard treatment plan approved by the public university selected by the commissioner pursuant to § 68-55-604.

(2)

(A) The facility seeking reimbursement from the fund shall request approval for funding for the plan from the commissioner.

(B) Upon receipt of an approved request for treatment, the funds for treatment shall be set aside and used to ensure payment in full for the veteran's treatment.

(C) If there is not sufficient money in the fund to set aside for treatment reimbursement, the commissioner shall deny approval of the request.

(c) At the conclusion of six (6) months of no treatment or the lack of submission of any bills, the commissioner shall advise the veteran and the participating facility that the funding reserved for the HBOT shall expire within ninety (90) days unless the facility has communicated with the department that treatment is scheduled or continued. If the facility fails to communicate with the department that treatment is scheduled or continued, then the monies reserved for treatment of that veteran shall be released and made available to another veteran meeting the requirements of this part.

68-55-606. Subject to the availability of funding, participating facilities that provide HBOT to veterans suffering from TBI shall provide treatment at no cost to the veteran and shall submit a bill for any treatment to the commissioner. The bill shall be paid from the fund created in § 68-55-603 to the extent funds are available. Should the costs of the treatment exceed the availability of funds, the veteran treated shall be held harmless from any costs of treatment by

the facility and the state shall be under no obligation to make payments beyond the approved amount in the fund and set aside for that purpose by the commissioner.

68-55-606. The commissioner is authorized to promulgate rules to effectuate the purposes of this part. All such rules and regulations shall be promulgated in accordance with the Uniform Administrative Procedures Act, compiled in title 4, chapter 5.

SECTION 2. This act shall take effect January 1, 2016, the public welfare requiring it.