

1-1 By: Miller, et al. (Senate Sponsor - Buckingham) H.B. No. 271
1-2 (In the Senate - Received from the House April 18, 2017;
1-3 April 19, 2017, read first time and referred to Committee on Health
1-4 & Human Services; May 5, 2017, reported adversely, with favorable
1-5 Committee Substitute by the following vote: Yeas 9, Nays 0;
1-6 May 5, 2017, sent to printer.)

1-7 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-8				
1-9	<u>Schwertner</u>	X		
1-10	<u>Uresti</u>	X		
1-11	<u>Buckingham</u>	X		
1-12	<u>Burton</u>	X		
1-13	<u>Kolkhorst</u>	X		
1-14	<u>Miles</u>	X		
1-15	<u>Perry</u>	X		
1-16	<u>Taylor of Collin</u>	X		
1-17	<u>Watson</u>	X		

1-18 COMMITTEE SUBSTITUTE FOR H.B. No. 271 By: Buckingham

1-19 A BILL TO BE ENTITLED
1-20 AN ACT

1-21 relating to the establishment of the Veterans Recovery Pilot
1-22 Program to provide certain veterans with hyperbaric oxygen
1-23 treatment.

1-24 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-25 SECTION 1. Subtitle B, Title 2, Health and Safety Code, is
1-26 amended by adding Chapter 49 to read as follows:

1-27 CHAPTER 49. VETERANS RECOVERY PILOT PROGRAM

1-28 Sec. 49.001. DEFINITIONS. In this chapter:

1-29 (1) "Facility" includes a hospital, public health
1-30 clinic, outpatient health clinic, community health center, and any
1-31 other facility authorized under commission rules to provide
1-32 hyperbaric oxygen treatment under this chapter.

1-33 (2) "Health care practitioner" means a person who is
1-34 licensed to provide medical or other health care in this state and
1-35 who has prescriptive authority, including a physician.

1-36 (3) "Hyperbaric oxygen treatment" means treatment for
1-37 post-traumatic stress disorder or a traumatic brain injury
1-38 prescribed by a health care practitioner and delivered in:

1-39 (A) a hyperbaric chamber approved by the United
1-40 States Food and Drug Administration; or

1-41 (B) a hyperbaric oxygen device that is approved
1-42 by the United States Food and Drug Administration for
1-43 investigational use under the direction of an institutional review
1-44 board with a national clinical trial number.

1-45 (4) "Physician" means a person licensed to practice
1-46 medicine by the Texas Medical Board.

1-47 (5) "Pilot program" means the Veterans Recovery Pilot
1-48 Program established under this chapter.

1-49 (6) "Traumatic brain injury" means an acquired injury
1-50 to the brain. The term does not include brain dysfunction caused by
1-51 congenital or degenerative disorders or birth trauma.

1-52 (7) "Veteran" means an individual who has served in:

1-53 (A) the army, navy, air force, coast guard, or
1-54 marine corps of the United States; or

1-55 (B) an auxiliary service of one of the armed
1-56 forces described in Paragraph (A).

1-57 Sec. 49.002. ESTABLISHMENT AND OPERATION OF PILOT PROGRAM.

1-58 (a) Except as provided by Subsection (b), the commission, using
1-59 existing resources, shall establish and operate the Veterans
1-60 Recovery Pilot Program to provide diagnostic services, hyperbaric

2-1 oxygen treatment, and support services to eligible veterans who
 2-2 have post-traumatic stress disorder or a traumatic brain injury.

2-3 (b) If there is insufficient money in the veterans recovery
 2-4 account established under Section 49.004 to cover the commission's
 2-5 expenses in administering the pilot program, the commission may not
 2-6 operate the pilot program.

2-7 (c) The executive commissioner may appoint an advisory
 2-8 board to assist the commission in developing the pilot program.

2-9 Sec. 49.003. RULES. The executive commissioner shall adopt
 2-10 rules to implement this chapter, including standards for veteran
 2-11 and facility eligibility under the pilot program and standards to
 2-12 ensure patient confidentiality is protected under the pilot
 2-13 program. The standards must require that:

2-14 (1) eligible facilities comply with applicable fire
 2-15 codes, oversight requirements, and any treatment protocols
 2-16 provided in commission rules; and

2-17 (2) eligible participants in the pilot program reside
 2-18 in this state.

2-19 Sec. 49.004. VETERANS RECOVERY ACCOUNT. (a) The veterans
 2-20 recovery account is a dedicated account in the general revenue
 2-21 fund.

2-22 (b) The veterans recovery account consists of:

2-23 (1) gifts, grants, and other donations received for
 2-24 the account; and

2-25 (2) interest earned on the investment of money in the
 2-26 fund.

2-27 (c) Section 403.0956, Government Code, does not apply to the
 2-28 veterans recovery account.

2-29 (d) The executive commissioner shall administer the
 2-30 veterans recovery account. Money in the account may be used only to
 2-31 pay for:

2-32 (1) expenses of administering the pilot program;

2-33 (2) diagnostic testing and treatment of a veteran with
 2-34 post-traumatic stress disorder or a traumatic brain injury under
 2-35 the pilot program; and

2-36 (3) a veteran's necessary travel and living expenses
 2-37 for a veteran required to travel to obtain treatment under the pilot
 2-38 program.

2-39 (e) The executive commissioner shall seek reimbursement for
 2-40 payments made under the pilot program from the TRICARE program of
 2-41 the United States Department of Defense, appropriate federal
 2-42 agencies, and any other responsible third party payor.

2-43 Sec. 49.005. HYPERBARIC OXYGEN TREATMENT; RESERVATION OF
 2-44 FUNDS. (a) The executive commissioner by rule shall adopt
 2-45 standards for the provision of hyperbaric oxygen treatment under
 2-46 the pilot program to veterans who have been diagnosed with
 2-47 post-traumatic stress disorder or a traumatic brain injury, have
 2-48 been prescribed hyperbaric oxygen treatment by a health care
 2-49 practitioner, and voluntarily agree to treatment under the pilot
 2-50 program.

2-51 (b) A facility providing medical care to a veteran who is
 2-52 eligible for hyperbaric oxygen treatment under the pilot program
 2-53 may apply for reimbursement for treatment under the pilot program.

2-54 (c) The facility must submit a treatment plan to the
 2-55 commission before providing treatment under the pilot program. The
 2-56 treatment plan must include:

2-57 (1) a prescription order for hyperbaric oxygen
 2-58 treatment issued by a health care practitioner;

2-59 (2) verification of facility and veteran eligibility;

2-60 (3) an estimate of the treatment costs and of the
 2-61 veteran's necessary travel and living expenses for a veteran
 2-62 required to travel to obtain the treatment; and

2-63 (4) any other information required by the commission.

2-64 (d) The commission shall approve or disapprove a treatment
 2-65 plan within a reasonable time as established by commission rule.
 2-66 The commission shall notify the facility whether the treatment plan
 2-67 was approved or disapproved by the commission.

2-68 (e) The commission may not approve the provision of
 2-69 hyperbaric oxygen treatment under the pilot program unless the

3-1 facility is in compliance with applicable commission standards and
3-2 rules and the veteran is eligible for treatment under the pilot
3-3 program.

3-4 (f) If there is sufficient money in the veterans recovery
3-5 account, the commission shall approve each treatment plan that
3-6 meets the requirements of this section and the standards adopted
3-7 under this chapter.

3-8 (g) The executive commissioner shall reserve in the
3-9 veterans recovery account an amount equal to the estimated
3-10 treatment costs and necessary travel and living expenses specified
3-11 in the treatment plan for each veteran who is approved for treatment
3-12 under the pilot program.

3-13 Sec. 49.006. PROVISION OF SERVICES; REIMBURSEMENT. (a) A
3-14 facility may provide hyperbaric oxygen treatment under the pilot
3-15 program to a veteran who has post-traumatic stress disorder or a
3-16 traumatic brain injury if the commission approves a treatment plan
3-17 under Section 49.005 for the veteran.

3-18 (b) A facility that elects to provide hyperbaric oxygen
3-19 treatment to a veteran under Subsection (a) shall provide the
3-20 treatment without charge to the veteran. A veteran receiving
3-21 treatment under the pilot program is not liable for the cost of
3-22 treatment or expenses incurred under the pilot program. The
3-23 facility may submit to the commission a request for reimbursement
3-24 from the veterans recovery account for expenses incurred for the
3-25 treatment.

3-26 (c) A facility that elects to provide treatment under the
3-27 pilot program shall submit to the commission regular reports, in
3-28 the form prescribed by the commission, of the veteran's measured
3-29 health improvements under the treatment plan.

3-30 (d) The executive commissioner shall reimburse a facility
3-31 for expenses the facility incurred in providing the hyperbaric
3-32 oxygen treatment from the veterans recovery account if:

3-33 (1) the treatment was provided according to the
3-34 treatment plan approved by the commission;

3-35 (2) the expenses do not exceed the amount reserved for
3-36 the treatment under Section 49.005; and

3-37 (3) the facility demonstrates in the reports described
3-38 by Subsection (c) that the veteran is making measured health
3-39 improvements.

3-40 (e) If expenses for the treatment exceed funds reserved for
3-41 the treatment under Section 49.005, the state and the veterans
3-42 recovery account are not liable for the amount in excess of the
3-43 reserved funds.

3-44 (f) A facility may submit a modified treatment plan under
3-45 Section 49.005 to request the reservation of funds in addition to
3-46 funds reserved under the original treatment plan.

3-47 (g) From money in the veterans recovery account, the
3-48 executive commissioner shall reimburse a veteran required to travel
3-49 to obtain treatment under the pilot program for the travel and
3-50 living expenses approved by the commission in the treatment plan.
3-51 The expenses may not exceed the amount reserved for those expenses
3-52 under Section 49.005.

3-53 Sec. 49.007. TERMINATION OF RESERVATION OF FUNDS. (a) If
3-54 the facility or veteran fails to request reimbursement for
3-55 treatment or for travel and living expenses under the pilot program
3-56 for at least six months following the conclusion of treatment, the
3-57 commission shall notify the facility and the veteran receiving
3-58 treatment under the facility's treatment plan that the funding
3-59 reserved for the treatment and expenses will be terminated on the
3-60 90th day after the date the commission provides notice under this
3-61 subsection unless the facility or veteran notifies the commission
3-62 of continued treatment and expenses under the pilot program or
3-63 requests reimbursement for the treatment already provided or
3-64 expenses already incurred under the pilot program.

3-65 (b) If a facility or veteran fails to notify the commission
3-66 of continued treatment and expenses in the time required under
3-67 Subsection (a), the executive commissioner shall terminate the
3-68 reservation of funds in the veterans recovery account under the
3-69 facility's treatment plan for that veteran.

4-1 Sec. 49.008. REPORT. Not later than October 1 of each
4-2 even-numbered year, the commission shall submit to the governor,
4-3 lieutenant governor, speaker of the house of representatives, and
4-4 appropriate standing committees of the legislature a report
4-5 regarding the pilot program that includes an evaluation of the
4-6 effectiveness of the pilot program and the number of veterans and
4-7 facilities participating in the pilot program.

4-8 Sec. 49.009. EXPIRATION OF CHAPTER. This chapter expires
4-9 September 1, 2023. Any remaining balance in the veterans recovery
4-10 account on the expiration of this chapter is transferred to the
4-11 general revenue fund.

4-12 SECTION 2. The executive commissioner of the Health and
4-13 Human Services Commission shall adopt the rules necessary to
4-14 implement Chapter 49, Health and Safety Code, as added by this Act,
4-15 not later than January 1, 2018.

4-16 SECTION 3. This Act takes effect September 1, 2017.

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