

2019 Regular Session

HOUSE BILL NO. 259

BY REPRESENTATIVES STOKES AND FOIL

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

VETERANS: Establishes a program to provide hyperbaric oxygen therapy to veterans with traumatic brain injuries

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AN ACT

To enact R.S. 29:284, relative to veterans; to create the Veterans Traumatic Brain Injury Treatment and Recovery Program; to provide veterans with hyperbaric oxygen therapy to treat traumatic brain injuries; to provide for criteria of the program; to provide relative to the duties of the Louisiana Department of Veterans Affairs in this regard; to create the Veterans Traumatic Brain Injury Treatment and Recovery Revolving Fund; to provide for the administration of the fund; to provide definitions; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 29:284 is hereby enacted to read as follows:

§284. Veterans Traumatic Brain Injury Treatment and Recovery Program

A. There is hereby created within the Louisiana Department of Veterans Affairs, referred to in this Section as the "department", the Veterans Traumatic Brain Injury Treatment and Recovery Program. There is hereby established a special fund in the state treasury to be known as the Veterans Traumatic Brain Injury Treatment and Recovery Revolving Fund. The source of monies for the fund shall be appropriations, grants, charitable donations, and other monies which may become available for the purposes of the fund. All monies accruing to the credit of the fund shall be appropriated to the department and may be budgeted and expended by the

1 department for the purpose of veterans' treatment in accordance with the provisions
2 of this Section.

3 B. For purposes of this Section:

4 (1) "Hyperbaric oxygen therapy" (HBOT) means a medical treatment that
5 uses greater than ambient pressure oxygen as a drug by fully enclosing a person in
6 a pressure vessel and then adjusting the dose of the drug to treat pathophysiologic
7 processes of disease. HBOT treatment shall only be administered with a valid
8 prescription from a medical doctor or doctor of osteopathy in either a ASME PVHO
9 and NFPA99 approved hard sided hyperbaric chamber cleared by the United States
10 Food and Drug Administration (FDA) or a device with an appropriated FDA-
11 approved investigational device exception, located in a facility in compliance with
12 applicable state fire codes and supervised in accordance with requirements of the
13 Veterans Traumatic Brain Injury Treatment and Recovery Program.

14 (2) "Veteran" means any servicemember of the United States Armed Forces
15 who has met any of the following conditions:

16 (a) Completed either twenty-four months of continuous active duty or the
17 full period of not less than ninety days for which he was ordered to active duty, other
18 than active duty for training, and received either an honorable discharge or a general
19 discharge under honorable conditions.

20 (b) Completed at least ninety days of active duty and has been discharged
21 under the specific authority of 10 U.S.C. 1171 or 1173, or has been determined to
22 have a compensable service-connected disability.

23 (c) Received a discharge with less than ninety days of service for a
24 service-connected disability.

25 C.(1) Any veteran diagnosed with a traumatic brain injury and prescribed
26 HBOT by a medical professional licensed by the Louisiana State Board of Medical
27 Examiners may receive HBOT, in accordance with the provisions of this Section, at
28 any facility licensed by the Louisiana Department of Health.

1 (2) Prior to receiving treatment, a treatment plan for the traumatic brain
2 injury by HBOT shall be reviewed and conform to a plan approved by the Louisiana
3 Department of Veterans Affairs or a designee of the department. A facility seeking
4 reimbursement for HBOT services provided pursuant to this Section shall request
5 approval for funding from the secretary of the department. Upon receipt of an
6 approved request for treatment, the funds for the treatment shall be set aside and used
7 to ensure payment in full for the veteran's treatment. If sufficient funds for treatment
8 reimbursement are not available, the secretary of the department shall deny approval
9 of the request.

10 (3) The secretary of the department shall seek reimbursement for payments
11 made from the fund from the TRICARE program of the United States Department
12 of Defense, appropriate federal agencies, and any other responsible third-party payor.

13 (4) The Louisiana Department of Veterans Affairs has full statewide
14 jurisdiction over all medical treatments provided and costs allowed to providers who
15 request reimbursement from the Veterans Traumatic Brain Injury Treatment and
16 Recovery Revolving Fund. Treatment shall be delivered solely by authorized,
17 licensed, or nationally certified health care providers in accordance with federal and
18 state law.

19 (5) If the veteran does not appear for treatment for a period of six months
20 after the treatment plan is approved, if the facility fails to submit a bill for a period
21 of six months, or both, then the secretary of the Louisiana Department of Veterans
22 Affairs shall advise the veteran and the participating facility that the funding
23 reserved for the HBOT shall expire within ninety days if no contact is made with the
24 department by the facility that treatment is scheduled or continued. If the facility
25 fails to contact the secretary of the department with the information that treatment
26 is scheduled or continued, then the monies reserved for treatment of that veteran
27 shall be released and made available to another veteran meeting the requirements of
28 this program.

1 D. If all of the monies in the fund have been depleted, participating facilities
2 who provide HBOT to veterans suffering from traumatic brain injury shall provide
3 treatment at no cost to the veteran and shall submit a bill for any treatment to the
4 secretary of the department. If the costs of the treatment exceed the availability of
5 funds, the veteran treated shall not be held responsible for any costs of treatment by
6 the facility, and the state shall be under no obligation to make payments beyond the
7 approved amount in the fund created in Subsection A of this Section and set aside
8 for that purpose by the secretary of the department.

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

HB 259 Draft

2019 Regular Session

Stokes

Abstract: Creates the Veterans Traumatic Brain Injury Treatment and Recovery Program and the Veterans Traumatic Brain Injury Treatment and Recovery Revolving Fund, for the purpose of providing treatment to veterans with traumatic brain injuries.

Proposed law creates the Veterans Traumatic Brain Injury Treatment and Recovery Program to provide hyperbaric oxygen therapy treatment to veterans diagnosed with traumatic brain injuries.

In this regard, proposed law does all of the following:

- (1) Provides eligibility criteria for veterans participating in the program.
- (2) Requires the treatment to be provided at a facility licensed by the La. Dept. of Health and the treatment plan to be approved by the La. Dept. of Veterans Affairs.
- (3) Provides the La. Dept. of Veterans Affairs statewide jurisdiction over all medical treatments provided and costs allowed to providers who request treatment, and provides additional duties of the department in this regard.
- (4) Creates the Veterans Traumatic Brain Injury Treatment and Recovery Revolving Fund for purposes of providing the hyperbaric oxygen therapy treatment to veterans diagnosed with traumatic brain injuries. Further provides relative to the administration of the fund.

(Adds R.S. 29:284)