

BILL ANALYSIS

Senate Research Center
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C.S.H.B. 175
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Health & Human Services
5/22/2015
Committee Report (Substituted)

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

According to a recent report by the United States Department of Veterans Affairs (VA), it has been estimated that approximately 10 percent of the military veteran population has some type of combat-related injury or disorder, such as traumatic brain injury or post-traumatic stress disorder. These injuries and disorders are often invisible and can cause symptoms such as headaches, confusion, memory loss, fatigue, insomnia, and depression. Such symptoms, if not treated properly, can have a serious impact on a veteran's quality of life. Taking into account that Texas is home to over one million veterans, concerned parties note that these conditions are a significant health issue for a large number of veterans in Texas returning from service overseas.

Citing the increased rate of suicide and attempted suicide among veterans, the parties assert that many of the treatments approved and provided by the VA for these conditions are often drugs, which may have serious side effects and only serve to mask the symptoms without curing the underlying issues. The parties point to hyperbaric oxygen treatment as an effective treatment for these conditions, stressing that the treatment has demonstrated long-term improvement in cognitive function and quality of life. C.S.H.B. 175 seeks to establish a pilot program that would help provide hyperbaric oxygen treatment, as well as other services, to veterans in Texas.

C.S.H.B. 175 amends current law relating to the establishment of the Veterans Recovery Pilot Program to provide certain veterans with hyperbaric oxygen treatment.

[**Note:** While the statutory reference in this bill is to the Texas Department of Health (TDH) the following amendments affect the Department of State Health Services as the successor agency to TDH.]

RULEMAKING AUTHORITY

Rulemaking authority is expressly granted to the executive commissioner of the Health and Human Services Commission in SECTION 1 (Sections 49.003 and 49.005, Health and Safety Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Subtitle B, Title 2, Health and Safety Code, by adding Chapter 49, as follows:

CHAPTER 49. VETERANS RECOVERY PILOT PROGRAM

Sec. 49.001. DEFINITIONS. Defines "facility," "health care practitioner," "hyperbaric oxygen treatment," "physician," "pilot program," "traumatic brain injury," and "veteran."

Sec. 49.002. ESTABLISHMENT AND OPERATION OF PILOT PROGRAM. (a) Requires the Texas Department of Health (TDH), using existing resources to establish and operate the Veterans Recovery Pilot Program to provide diagnostic services, hyperbaric oxygen treatment, and support services to eligible veterans who have post-traumatic stress disorder or a traumatic brain injury, except as provided by Subsection (b).

(b) Prohibits TDH, if there is insufficient money in the veterans recovery account established under Section 49.004 to cover TDH's expenses in administering the pilot program, from operating the pilot program.

(c) Authorizes the commissioner of public health (commissioner) to appoint an advisory board to assist TDH in developing the pilot program.

Sec. 49.003. RULES. Requires the executive commissioner of the Health and Human Services Commission to adopt rules to implement this chapter, including standards for veteran and facility eligibility under the pilot program and standards to ensure patient confidentiality is protected under the pilot program. Requires that the standards require that:

(1) eligible facilities comply with applicable fire codes, oversight requirements, and any treatment protocols provided in TDH rules; and

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

Sec. 49.004. VETERANS RECOVERY ACCOUNT. (a) Provides that the veterans recovery account is a dedicated account in the general revenue fund.

(b) Provides that the veterans recovery account consists of:

(1) gifts, grants, and other donations received for the account; and

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

(c) Provides that Section 403.071 (Claims and Available Money; Offense), Government Code, does not apply to the veterans recovery account.

(d) Requires the commissioner to administer the veterans recovery account. Authorizes money in the account to be used only to pay for:

(1) expenses of administering the pilot program;

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

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

(e) Requires the commissioner to seek reimbursement for payments made under the pilot program from the TRICARE program of the United States Department of Defense, appropriate federal agencies, and any other responsible third party payor.

Sec. 49.005. HYPERBARIC OXYGEN TREATMENT; RESERVATION OF FUNDS.

(a) Requires the executive commissioner by rule to adopt standards for the provision of hyperbaric oxygen treatment under the pilot program to veterans who have been diagnosed with post-traumatic stress disorder or a traumatic brain injury, have been prescribed hyperbaric oxygen treatment by a health care practitioner, and voluntarily agree to treatment under the pilot program.

(b) Authorizes a facility providing medical care to a veteran who is eligible for hyperbaric oxygen treatment under the pilot program to apply for reimbursement for treatment under the pilot program.

(c) Requires the facility to submit a treatment plan to TDH before providing treatment under the pilot program. Requires the treatment plan to include:

- (1) a prescription order for hyperbaric oxygen treatment issued by a health care practitioner;
- (2) verification of facility and veteran eligibility;
- (3) an estimate of the treatment costs and of the veteran's necessary travel and living expenses for a veteran required to travel to obtain the treatment; and
- (4) any other information required by TDH.

(d) Requires TDH to approve or disapprove a treatment plan within a reasonable time as established by TDH rule. Requires TDH to notify the facility whether the treatment plan was approved or disapproved by TDH.

(e) Prohibits TDH from approving the provision of hyperbaric oxygen treatment under the pilot program unless the facility is in compliance with applicable TDH standards and rules and the veteran is eligible for treatment under the pilot program.

(f) Requires TDH to approve each treatment plan that meets the requirements of this section and the standards adopted under this chapter if there is sufficient money in the veterans recovery account.

(g) Requires the commissioner to reserve in the veterans recovery account an amount equal to the estimated treatment costs and necessary travel and living expenses specified in the treatment plan for each veteran that is approved for treatment under the pilot program.

Sec. 49.006. PROVISION OF SERVICES; REIMBURSEMENT. (a) Authorizes a facility to provide hyperbaric oxygen treatment under the pilot program to a veteran who has post-traumatic stress disorder or a traumatic brain injury if TDH approved a treatment plan under Section 49.005 for the veteran.

(b) Requires a facility that elects to provide hyperbaric oxygen treatment to a veteran under Subsection (a) to provide the treatment without charge to the veteran. Provides that a veteran receiving treatment under the pilot program is not liable for the cost of treatment or expenses incurred under the pilot program. Authorizes the facility to submit to TDH a request for reimbursement from the veterans recovery account for expenses incurred for the treatment.

(c) Requires a facility that elects to provide treatment under the pilot program to submit to TDH regular reports, in the form prescribed by TDH, of the veteran's measured health improvements under the treatment plan.

(d) Requires the commissioner to reimburse a facility for expenses the facility incurred in providing the hyperbaric oxygen treatment from the veterans recovery account if:

- (1) the treatment was provided according to the treatment plan approved by TDH;
- (2) the expenses do not exceed the amount reserved for the treatment under Section 49.005; and
- (3) the facility demonstrates in the reports described by Subsection (c) that the veteran is making measured health improvements.

(e) Provides that if expenses for the treatment exceed funds reserved for the treatment under Section 49.005, the state and the veterans recovery account are not liable for the amount in excess of the reserved funds.

(f) Authorizes a facility to submit an updated treatment plan under Section 49.005 to request the reservation of funds in addition to funds reserved under the original treatment plan.

(g) Requires the commissioner to reimburse a veteran required to travel to obtain treatment under the pilot program for the travel and living expenses approved by TDH in the treatment plan from money in the veterans recovery account. Prohibits the expenses from exceeding the amount reserved for those expenses under Section 49.005.

Sec. 49.007. TERMINATION OF RESERVATION OF FUNDS. (a) Requires TDH to notify the facility and the veteran receiving treatment under the facility's treatment plan that the funding reserved for the treatment and expenses will be terminated on the 90th day after the date TDH provides notice under this subsection unless the facility or veteran notifies TDH of continued treatment and expenses under the pilot program or requests reimbursement for the treatment already provided or expenses already incurred under the pilot program if the facility or veteran fails to request reimbursement for treatment or for travel and living expenses under the pilot program for at least six months following the conclusion of treatment.

(b) Requires the commissioner to terminate the reservation of funds in the veterans recovery account under the facility's treatment plan for that veteran if a facility or veteran fails to notify TDH of continued treatment and expenses in the time required under Subsection (a).

Sec. 49.008. REPORT. Requires TDH to submit to the governor of the State of Texas, lieutenant governor, speaker of the house of representatives, and appropriate standing committees of the legislature a report regarding the pilot program that includes an evaluation of the effectiveness of the pilot program and the number of veterans and facilities participating in the pilot program, not later than October 1 of each even-numbered year.

Sec. 49.009. EXPIRATION OF CHAPTER. Provides that this chapter expires September 1, 2021. Provides that any remaining balance in the veterans recovery account on the expiration of this chapter is transferred to the general revenue fund.

SECTION 2. Requires the executive commissioner of the Health and Human Services Commission to adopt the rules necessary to implement Chapter 49, Health and Safety Code, as added by this Act, not later than January 1, 2016.

SECTION 3. Effective date: September 1, 2015.