

## **BILL ANALYSIS**

Senate Research Center  
85R8315 SCL-D

H.B. 271  
By: Miller et al. (Buckingham)  
Health & Human Services  
5/4/2017  
Engrossed

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

According to a recent report by the U.S. Department of Veterans Affairs (VA), it is estimated that approximately 10 percent of military veterans have some type of combat-related injury or disorder, such as traumatic brain injury (TBI) and post-traumatic stress disorder (PTSD).

These injuries and disorders are often difficult to detect and can cause symptoms such as headaches, confusion, memory loss, fatigue, insomnia, and depression. Moreover, without proper treatment, these conditions 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, concerned parties affirm 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. For some of these veterans, hyperbaric oxygen treatment can provide an effective alternative treatment, resulting in long-term improvement in cognitive function and quality of life.

H.B. 271, which is the companion to Senator Buckingham's S.B. 1075, seeks to provide veterans impacted by combat-related injuries or disorders with access to hyperbaric oxygen treatment options through the establishment of the Veterans Recovery Pilot Program.

H.B. 271 amends current law relating to the establishment of the Veterans Recovery Pilot Program to provide certain veterans with hyperbaric oxygen treatment.

### **RULEMAKING AUTHORITY**

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

Rulemaking authority is expressly granted to HHSC in SECTION 1 (Section 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 Health and Human Services Commission (HHSC), using existing resources, except as provided by Subsection (b), to establish and operate the Veterans Recovery

Pilot Program (pilot program) to provide diagnostic services, hyperbaric oxygen treatment (treatment), and support services to eligible veterans who have post-traumatic stress disorder (PTSD) or a traumatic brain injury (TBI).

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

(c) Authorizes the executive commissioner of HHSC (executive commissioner) to appoint an advisory board to assist HHSC in developing the pilot program.

Sec. 49.003. RULES. Requires the executive commissioner 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 eligible facilities comply with applicable fire codes, oversight requirements, and any treatment protocols provided in HHSC rules and eligible participants in the pilot program reside in this state.

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

(b) Provides that the recovery account consists of gifts, grants, and other donations received for the recovery account and interest earned on the investment of money in the GRF.

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

(d) Requires the executive commissioner to administer the recovery account. Authorizes money in the account to be used only to pay for certain expenses.

(e) Requires the executive 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 the treatment under the pilot program to veterans who have been diagnosed with PTSD or a TBI, have been prescribed 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 treatment under the pilot program to apply for reimbursement for treatment under the pilot program.

(c) Requires that the facility submit a treatment plan to HHSC before providing treatment under the pilot program. Requires that the treatment plan include certain information.

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

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

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

(g) Requires the executive commissioner to reserve in the recovery account an amount equal to certain estimated treatment costs and 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 treatment under the pilot program to a veteran who has PTSD or a TBI if HHSC approved a treatment plan under Section 49.005 for the veteran.

(b) Requires that a facility that elects to provide 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 HHSC a request for reimbursement from the recovery account for expenses incurred for the treatment.

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

(d) Requires the executive commissioner to reimburse a facility for expenses the facility incurred in providing the treatment from the recovery account if certain criteria are met.

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

(f) Authorizes a facility to submit a modified 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 executive commissioner, from money in the recovery account, to reimburse a veteran required to travel to obtain treatment under the pilot program for the travel and living expenses approved by HHSC in the treatment plan. 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 HHSC, 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, 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 HHSC provides notice unless the facility or veteran notifies HHSC 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.

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

Sec. 49.008. REPORT. Requires HHSC, not later than October 1 of each even-numbered year, to submit to certain persons and legislative entities 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.

Sec. 49.009. EXPIRATION OF CHAPTER. Provides that this chapter expires September 1, 2023. Provides that any remaining balance in the recovery account on the expiration of this chapter is transferred to the GRF.

SECTION 2. Requires the executive commissioner to adopt the rules necessary to implement Chapter 49, Health and Safety Code, as added by this Act, not later than January 1, 2018.

SECTION 3. Effective date: September 1, 2017.