

**House File 2045 - Introduced**

HOUSE FILE 2045

BY PETTENGILL

**A BILL FOR**

1 An Act establishing a veterans recovery pilot program and fund  
2 for the reimbursement of expenses related to providing  
3 hyperbaric oxygen treatment to eligible veterans.

4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. NEW SECTION. 35E.1 Definitions.

2 As used in this chapter, unless the context otherwise  
3 requires:

4 1. "*Department*" means the Iowa department of veterans  
5 affairs created in section 35A.4.

6 2. "*Health care practitioner*" means a practitioner as  
7 defined in section 155A.3.

8 3. "*Hyperbaric oxygen treatment*" means treatment, including  
9 diagnostic testing and other related medical treatments, for  
10 traumatic brain injury or post-traumatic stress disorder  
11 prescribed by a health care practitioner that utilizes, as part  
12 of the treatment, any of the following:

13 a. A hyperbaric chamber approved by the United States food  
14 and drug administration.

15 b. A hyperbaric oxygen device that is approved by the United  
16 States food and drug administration for investigational use  
17 under the direction of an institutional review board with a  
18 national clinical trial number.

19 4. "*Pilot program*" means the veterans recovery pilot program  
20 established under this chapter.

21 5. "*Traumatic brain injury*" means an acquired injury to the  
22 brain. "*Traumatic brain injury*" does not mean brain dysfunction  
23 caused by congenital or degenerative disorders or birth trauma.

24 6. "*Treatment facility*" means a hospital as defined in  
25 section 135B.1, an organized outpatient health facility as  
26 defined in section 135.61, or any other facility that is  
27 authorized by the department of inspections and appeals to  
28 provide hyperbaric oxygen treatment under this chapter.

29 7. "*Veteran*" means a veteran as defined in section 35.1, a  
30 member of the national guard or reserve forces of the United  
31 States, and a former member of the national guard or reserve  
32 forces of the United States who was discharged under honorable  
33 conditions.

34 8. "*Veterans recovery fund*" means the veterans recovery fund  
35 created in section 35E.3.

1     Sec. 2. NEW SECTION.   **35E.2 Veterans recovery pilot program**  
2 **— establishment — reports — rules.**

3     1. The department shall establish a veterans recovery pilot  
4 program, subject to sufficient funds in the veterans recovery  
5 fund to operate the pilot program, to provide hyperbaric oxygen  
6 treatment and support services to eligible veterans who have  
7 been diagnosed with a post-traumatic stress disorder or a  
8 traumatic brain injury pursuant to the requirements of this  
9 chapter.

10    2. The department, and the department of inspections and  
11 appeals, shall adopt rules to implement and administer this  
12 chapter.

13    3. By October 1 of each odd-numbered year, the department  
14 and the department of inspections and appeals shall submit a  
15 biennial report regarding the pilot program that includes an  
16 evaluation of the effectiveness of the pilot program and the  
17 number of veterans and treatment facilities participating in  
18 the pilot program.

19     Sec. 3. NEW SECTION.   **35E.3 Veterans recovery fund.**

20    1. A veterans recovery fund is created in the state treasury  
21 under the control of the department.

22    2. The fund shall consist of moneys appropriated for  
23 purposes of the pilot program, and any other devise, gift,  
24 bequest, donation, federal or other grant, reimbursement of  
25 payments made by any responsible third-party payor, repayment,  
26 judgment, transfer, or payment intended to be used for the  
27 purposes of the fund.

28    3. Moneys in the fund are appropriated to the department  
29 and may be expended by the department for any of the following  
30 purposes:

31    *a.* Expenses incurred by the department and the department of  
32 inspections and appeals in administering the pilot program.

33    *b.* Expenses authorized pursuant to a treatment plan approved  
34 pursuant to section 35E.4 for hyperbaric oxygen treatment of a  
35 veteran under the pilot program.

1     *c.* Expenses authorized pursuant to a treatment plan approved  
2 pursuant to section 35E.4 for any necessary travel and living  
3 expenses of a veteran required to travel to obtain hyperbaric  
4 oxygen treatment under the pilot program.

5     4. Notwithstanding section 12C.7, subsection 2, interest or  
6 earnings on moneys in the fund shall be credited to the fund.  
7 Moneys in the fund may be used for cash flow purposes during a  
8 fiscal year provided that any moneys so allocated are returned  
9 to the fund by the end of that fiscal year.

10    5. For purposes of section 8.33, unencumbered or  
11 unobligated moneys in the fund shall not revert but shall  
12 remain available for expenditure for the purposes designated  
13 until June 30, 2024. Any unencumbered or unobligated moneys  
14 remaining in the fund as of June 30, 2024, shall not revert but  
15 shall be transferred for deposit in the veterans trust fund  
16 created in section 35A.13.

17    Sec. 4. NEW SECTION. 35E.4 **Hyperbaric oxygen treatment —**  
18 **treatment plan.**

19    1. A treatment facility seeking reimbursement for providing  
20 hyperbaric oxygen treatment to a veteran under the pilot  
21 program shall, prior to providing such treatment, submit a  
22 proposed treatment plan to the department of inspections  
23 and appeals in a manner as prescribed by the department of  
24 inspections and appeals.

25    2. The proposed treatment plan shall include the following  
26 information:

27    *a.* A prescription order for hyperbaric oxygen treatment  
28 issued by a health care practitioner.

29    *b.* Information verifying the eligibility of the veteran to  
30 receive treatment and that the treatment facility is authorized  
31 to provide hyperbaric oxygen treatment.

32    *c.* An estimate of the costs for providing hyperbaric oxygen  
33 treatment by the treatment facility.

34    *d.* An estimate of cost for reimbursing any necessary travel  
35 and living expenses of the veteran required to travel to obtain

1 the hyperbaric oxygen treatment.

2 e. Any other information required by the department of  
3 inspections and appeals.

4 3. Upon receipt of a proposed treatment plan, the department  
5 of inspections and appeals shall approve or disapprove the  
6 treatment plan within a reasonable time as established by rule.  
7 The department shall not approve the treatment plan if there is  
8 not sufficient money in the veterans recovery fund to reimburse  
9 the estimate of costs and expenses provided in the proposed  
10 treatment plan. The department of inspections and appeals  
11 shall notify the treatment facility whether the treatment plan  
12 was approved or disapproved.

13 4. A treatment facility may, following approval of a  
14 proposed treatment plan, submit a modified treatment plan  
15 if actual expenses are anticipated to exceed the estimated  
16 costs approved in the initial treatment plan. The department  
17 of inspections and appeals shall approve or disapprove the  
18 modified treatment plan, subject to sufficient moneys in the  
19 veterans recovery fund for the increased expenses, and shall  
20 notify the treatment facility within a reasonable time as  
21 established by rule whether the modified treatment plan was  
22 approved or disapproved within a reasonable time as established  
23 by rule.

24 **Sec. 5. NEW SECTION. 35E.5 Provision of treatment —**  
25 **reimbursement of expenses.**

26 1. A treatment facility shall receive reimbursement of  
27 expenses incurred in providing hyperbaric oxygen treatment  
28 under the pilot program to a veteran if the department of  
29 inspections and appeals has approved a treatment plan under  
30 section 35E.4 for the veteran.

31 2. A treatment facility that elects to provide hyperbaric  
32 oxygen treatment to a veteran under the pilot program shall  
33 provide the treatment without charge to the veteran. A veteran  
34 receiving treatment under the pilot program is not liable for  
35 the cost of treatment or expenses incurred under the pilot

1 program.

2 3. A treatment facility that elects to provide treatment  
3 under the pilot program shall submit to the department  
4 of inspections and appeals regular reports, in the form  
5 prescribed by the department, of the veteran's measured health  
6 improvements under the treatment plan and whether treatments  
7 are continuing or have concluded. If hyperbaric oxygen  
8 treatment has concluded, the treatment facility shall indicate  
9 the date the treatment concluded.

10 4. A treatment facility providing hyperbaric oxygen  
11 treatment under the pilot program may submit a request for  
12 reimbursement of expenses incurred by the treatment facility to  
13 the department of inspections and appeals. The department of  
14 inspections and appeals shall approve the request and notify  
15 the department to reimburse the expenses from the veterans  
16 recovery fund if all of the following criteria are met:

17 a. The hyperbaric oxygen treatment was provided according  
18 to the treatment plan or modified treatment plan approved by  
19 the commission.

20 b. The expenses do not exceed the estimated cost of the  
21 hyperbaric oxygen treatment as provided in the approved  
22 treatment plan or modified treatment plan.

23 c. The treatment facility demonstrates in the reports  
24 submitted to the department of inspections and appeals  
25 as required by subsection 3 that the veteran is making  
26 measured health improvements or that continuing treatment is  
27 recommended.

28 5. The department shall reimburse a veteran from moneys in  
29 the veterans recovery fund for any travel and living expenses  
30 incurred by the veteran receiving hyperbaric oxygen treatment  
31 under the pilot program if the amount requested does not exceed  
32 the estimated cost of travel and living expenses as provided in  
33 the approved treatment plan or modified treatment plan.

34 6. After six months from the date specified in the reports  
35 submitted to the department of inspections and appeals

1 from a treatment facility that treatment has concluded,  
2 the department of inspections and appeals shall notify the  
3 treatment facility and veteran in writing of the expenses  
4 that have been reimbursed and whether the amounts reimbursed  
5 are less than the costs authorized to be reimbursed pursuant  
6 to an approved treatment plan or modified treatment plan.  
7 The written notification shall further notify the treatment  
8 facility and the veteran that any requests for reimbursement  
9 shall not be authorized if a request for reimbursement is not  
10 submitted within ninety days after receiving the notice unless,  
11 prior to the ninety days, the treatment facility indicates that  
12 treatment has not been completed.

13 Sec. 6. NEW SECTION. 35E.6 Repeal.

14 This chapter is repealed July 1, 2024.

15 Sec. 7. DIRECTIVE TO DEPARTMENTS OF VETERANS AFFAIRS AND  
16 INSPECTIONS AND APPEALS. The departments of veterans affairs  
17 and inspections and appeals shall each submit a notice of  
18 intended action to the administrative rules coordinator and  
19 the administrative code editor pursuant to section 17A.4,  
20 subsection 1, paragraph "a", not later than January 1, 2019,  
21 for the adoption of rules to implement and administer chapter  
22 35E as enacted in this Act.

23 EXPLANATION

24 The inclusion of this explanation does not constitute agreement with  
25 the explanation's substance by the members of the general assembly.

26 This bill establishes a veterans recovery pilot program,  
27 administered in part by both the departments of veterans  
28 affairs and inspections and appeals, for the reimbursement of  
29 expenses related to providing hyperbaric oxygen treatment to  
30 eligible veterans.

31 New Code section 35E.1 establishes definitions applicable  
32 to the new Code chapter. The bill includes definitions  
33 for department, health care practitioner, hyperbaric oxygen  
34 treatment, traumatic brain injury, treatment facility, and  
35 veteran. Specifically, the bill defines hyperbaric oxygen

1 treatment as treatment, including diagnostic testing and other  
2 related medical treatments, for traumatic brain injury or  
3 post-traumatic stress disorder prescribed by a health care  
4 practitioner that utilizes a United States food and drug  
5 administration-approved hyperbaric chamber or hyperbaric oxygen  
6 device.

7 New Code section 35E.2 establishes the veterans recovery  
8 pilot program, subject to sufficient funds to operate the  
9 program, requires the departments of veterans affairs and  
10 inspections and appeals to adopt rules to implement and  
11 administer the program, and includes a reporting requirement  
12 for each department concerning the operation of the pilot  
13 program.

14 New Code section 35E.3 creates a veterans recovery fund  
15 in the state treasury under the control of the department of  
16 veterans affairs. The new Code section provides that moneys in  
17 the fund are appropriated to the department of veterans affairs  
18 to be expended for expenses incurred in operating the program  
19 and for expenses authorized to be reimbursed for hyperbaric  
20 oxygen treatment and any related travel and living expenses  
21 incurred by the veteran. The new Code section provides that  
22 moneys in the fund shall not revert but shall remain available  
23 for use until June 30, 2024. Any moneys remaining in the fund  
24 as of June 30, 2024, shall be transferred for deposit in the  
25 veterans trust fund.

26 New Code section 35E.4 provides for the process for a  
27 treating facility to seek reimbursement from the veterans  
28 recovery fund for providing hyperbaric oxygen treatment. The  
29 bill provides that a treating facility may submit a proposed  
30 treatment plan to the department of inspections and appeals  
31 for their approval. The treatment plan shall include the  
32 prescription order for the treatment, information verifying  
33 the eligibility of the veteran and the treatment facility to  
34 provide the treatment, the estimated costs for providing the  
35 treatment and for reimbursing the veteran for any associated



1 travel and living expenses, and any other information required  
2 by the department of inspections and appeals. The new Code  
3 section provides that the treatment plan shall not be approved  
4 if sufficient moneys to reimburse the estimated costs are not  
5 available in the veterans recovery fund. The new Code section  
6 also establishes a process for submitting a modified treatment  
7 plan if the estimated costs for providing the treatment  
8 are anticipated to exceed the cost estimate in the initial  
9 treatment plan.

10 New Code section 35E.5 provides for requirements relative  
11 to providing hyperbaric oxygen treatment and provides for  
12 the manner in which treatment-related expenses are to be  
13 reimbursed. The Code section provides that a treatment  
14 facility shall not be reimbursed for providing treatment  
15 unless a treatment plan has been approved. If a treatment  
16 facility elects to provide hyperbaric oxygen treatment under  
17 the pilot program, the facility shall provide the treatment  
18 without charge to a veteran and shall submit regular reports  
19 to the department of inspections and appeals concerning the  
20 efficacy of the treatment and on whether the treatments have  
21 been concluded. The new Code section also provides for a  
22 process for a treatment facility and a veteran to receive  
23 reimbursement for expenses incurred. The new Code sections  
24 require the department of inspections and appeals to provide  
25 written notification to the treatment facility and veteran  
26 after treatment has concluded, which notice shall indicate when  
27 any additional requests for reimbursement may be made.

28 Code section 35E.6 provides that the new Code chapter is  
29 repealed July 1, 2024.

30 The bill further directs the departments of veterans  
31 affairs and inspections and appeals to each submit a notice of  
32 intended action to the administrative rules coordinator and the  
33 administrative code editor not later than January 1, 2019, for  
34 the adoption of rules necessary to implement and administer the  
35 new Code chapter.