

Senate File 529 - Introduced

SENATE FILE 529
BY COMMITTEE ON VETERANS
AFFAIRS

(SUCCESSOR TO SSB 1127)

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. "*Commission*" means the commission of veterans affairs
5 established in section 35A.2.

6 2. "*Department*" means the department of human services
7 created in section 217.1.

8 3. "*Health care practitioner*" means a practitioner as
9 defined in section 155A.3.

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

15 a. A hyperbaric chamber approved by the United States food
16 and drug administration.

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

21 5. "*Pilot program*" means the veterans recovery pilot program
22 established under this chapter.

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

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

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

1 9. "*Veterans recovery fund*" means the veterans recovery fund
2 created in section 35E.3.

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

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

12 2. The department shall adopt rules to implement and
13 administer this chapter.

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

22 2. The fund shall consist of moneys received in the form
23 of a devise, gift, bequest, donation, federal or other grant,
24 reimbursement of payments made by any responsible third-party
25 payor, repayment, judgment, transfer, or payment intended to be
26 used for the purposes of the fund. The general assembly shall
27 make no appropriation to the fund from public moneys of the
28 state.

29 3. The department of veterans affairs shall have the
30 authority and is directed to solicit contributions, gifts,
31 devises, bequests, and donations for the veterans recovery fund
32 to be expended for the purposes identified in this section.

33 4. Moneys in the fund are appropriated to the department of
34 veterans affairs and may be expended for any of the following
35 purposes:

1 *a.* Expenses incurred by the department of human services and
2 the department of veterans affairs in administering the pilot
3 program.

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

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

11 5. Any unencumbered or unobligated moneys remaining in the
12 fund as of June 30, 2025, shall be transferred for deposit in
13 the veterans trust fund created in section 35A.13.

14 Sec. 4. NEW SECTION. **35E.4 Hyperbaric oxygen treatment —**
15 **treatment plan.**

16 1. A treatment facility seeking reimbursement for providing
17 hyperbaric oxygen treatment to a veteran under the pilot
18 program shall, prior to providing such treatment, submit a
19 proposed treatment plan to the department in a manner as
20 prescribed by the department.

21 2. The proposed treatment plan shall include the following
22 information:

23 *a.* A prescription order for hyperbaric oxygen treatment
24 issued by a health care practitioner.

25 *b.* Information verifying the eligibility of the veteran to
26 receive treatment and that the treatment facility is authorized
27 to provide hyperbaric oxygen treatment.

28 *c.* An estimate of the costs for providing hyperbaric oxygen
29 treatment by the treatment facility.

30 *d.* An estimate of cost for reimbursing any necessary travel
31 and living expenses of the veteran required to travel to obtain
32 the hyperbaric oxygen treatment.

33 *e.* Any other information required by the department.

34 3. Upon receipt of a proposed treatment plan, the department
35 shall approve or disapprove the treatment plan within a

1 reasonable time as established by rule. The department shall
2 not approve the treatment plan if there is not sufficient money
3 in the veterans recovery fund to reimburse the estimate of
4 costs and expenses provided in the proposed treatment plan.
5 The department shall notify the treatment facility whether the
6 treatment plan was approved or disapproved.

7 4. A treatment facility may, following approval of a
8 proposed treatment plan, submit a modified treatment plan if
9 actual expenses are anticipated to exceed the estimated costs
10 approved in the initial treatment plan. The department shall
11 approve or disapprove the modified treatment plan, subject
12 to sufficient moneys in the veterans recovery fund for the
13 increased expenses, and shall notify the treatment facility
14 within a reasonable time as established by rule whether the
15 modified treatment plan was approved or disapproved within a
16 reasonable time as established by rule.

17 5. The department of human services shall transmit the
18 approval or disapproval of a proposed treatment plan or a
19 modified treatment plan to the department of veterans affairs.
20 If the proposed treatment plan or modified treatment plan is
21 approved, the department of veterans affairs shall disburse
22 moneys from the veterans recovery fund accordingly.

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

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

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

35 3. A treatment facility that elects to provide treatment

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

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

13 a. The hyperbaric oxygen treatment was provided according to
14 the approved treatment plan or modified treatment plan.

15 b. The expenses do not exceed the estimated cost of the
16 hyperbaric oxygen treatment as provided in the approved
17 treatment plan or modified treatment plan.

18 c. The treatment facility demonstrates in the reports
19 submitted to the department as required by subsection 3 that
20 the veteran is making measured health improvements or that
21 continuing treatment is recommended.

22 5. The department of human services shall approve a request
23 for reimbursement of a veteran's travel and living expenses
24 incurred by the veteran receiving hyperbaric oxygen treatment
25 under the pilot program if the amount requested does not
26 exceed the estimated cost of travel and living expenses as
27 provided in the approved treatment plan or modified treatment
28 plan. The department of human services shall transmit its
29 approval or disapproval of a request for reimbursement under
30 this subsection to the department of veterans affairs. If the
31 request is approved, the department of veterans affairs shall
32 disburse moneys to the veteran from the veterans recovery fund
33 accordingly.

34 6. After six months from the date specified in the reports
35 submitted to the department from a treatment facility that

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

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

13 This chapter is repealed July 1, 2025.

14 Sec. 7. DIRECTIVE TO DEPARTMENT OF HUMAN SERVICES. The
15 department of human services shall submit a notice of
16 intended action to the administrative rules coordinator and
17 the administrative code editor pursuant to section 17A.4,
18 subsection 1, paragraph "a", not later than January 1, 2020,
19 for the adoption of rules to implement and administer chapter
20 35E as enacted in this Act.

21 EXPLANATION

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

24 This bill establishes a veterans recovery pilot program,
25 administered by the department of human services for the
26 reimbursement of expenses related to providing hyperbaric
27 oxygen treatment to eligible veterans.

28 New Code section 35E.1 establishes definitions applicable
29 to the new Code chapter. The bill includes definitions for
30 commission, department, health care practitioner, hyperbaric
31 oxygen treatment, traumatic brain injury, treatment facility,
32 and veteran. Specifically, the bill defines hyperbaric oxygen
33 treatment as treatment, including diagnostic testing and other
34 related medical treatments, for traumatic brain injury or
35 post-traumatic stress disorder prescribed by a health care

1 practitioner that utilizes a United States food and drug
2 administration-approved hyperbaric chamber or hyperbaric oxygen
3 device.

4 New Code section 35E.2 establishes the veterans recovery
5 pilot program, subject to sufficient funds to operate the
6 program, requires the department of human services to adopt
7 rules to implement and administer the program, and includes a
8 reporting requirement concerning the operation of the pilot
9 program.

10 New Code section 35E.3 creates a veterans recovery fund
11 in the state treasury under the control of the department of
12 veterans affairs. The new Code section provides that the fund
13 shall consist of moneys contributed through or received from
14 any devise, gift, bequest, donation, federal or other grant,
15 reimbursement of payments made by any responsible third-party
16 payor, repayment, judgment, transfer, or payment intended to be
17 used for the purposes of the fund. The department of veterans
18 affairs is directed to solicit contributions, gifts, devises,
19 bequests, and donations for the veterans recovery fund. The
20 department of veterans affairs is to expend moneys in the fund
21 for expenses incurred in operating the program and for expenses
22 authorized to be reimbursed for hyperbaric oxygen treatment and
23 any related travel and living expenses incurred by the veteran.
24 The new Code section provides that any moneys remaining in the
25 fund as of June 30, 2025, shall be transferred for deposit in
26 the veterans trust fund.

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

1 and for reimbursing the veteran for any associated travel and
2 living expenses, and any other information required by the
3 department of human services. The new Code section provides
4 that the treatment plan shall not be approved if sufficient
5 moneys to reimburse the estimated costs are not available
6 in the veterans recovery fund. The new Code section also
7 establishes a process for submitting a modified treatment
8 plan if the estimated costs for providing the treatment
9 are anticipated to exceed the cost estimate in the initial
10 treatment plan. The bill provides that the department of
11 human services shall transmit the approval or disapproval of
12 a proposed or modified treatment plan to the department of
13 veterans affairs. If the proposed or modified treatment plan
14 is approved, the department of veterans affairs shall disburse
15 moneys from the veterans recovery fund accordingly.

16 New Code section 35E.5 provides for requirements relative
17 to providing hyperbaric oxygen treatment and provides for
18 the manner in which treatment-related expenses are to be
19 reimbursed. The Code section provides that a treatment
20 facility shall not be reimbursed for providing treatment
21 unless a treatment plan has been approved. If a treatment
22 facility elects to provide hyperbaric oxygen treatment under
23 the pilot program, the facility shall provide the treatment
24 without charge to a veteran and shall submit regular reports
25 to the department of human services concerning the efficacy
26 of the treatment and on whether the treatments have been
27 concluded. The new Code section also provides for a process
28 for a treatment facility and a veteran to receive reimbursement
29 for expenses incurred. The new Code section provides that
30 the department of human services shall approve a request
31 for reimbursement of a veteran's travel and living expenses
32 incurred by the veteran receiving hyperbaric oxygen treatment
33 under the pilot program if the amount requested does not exceed
34 the estimated cost of travel and living expenses as provided in
35 the approved treatment plan or modified treatment plan. The

1 department of human services shall transmit its approval or
2 disapproval of a request for reimbursement to the department of
3 veterans affairs. If the request is approved, the department
4 of veterans affairs shall disburse moneys to the veteran from
5 the veterans recovery fund accordingly. The new Code section
6 requires the department of human services to provide written
7 notification to the treatment facility and veteran after
8 treatment has concluded, which notice shall indicate when any
9 additional requests for reimbursement may be made.

10 Code section 35E.6 provides that the new Code chapter is
11 repealed July 1, 2025.

12 The bill further directs the department of human services
13 to submit a notice of intended action to the administrative
14 rules coordinator and the administrative code editor not later
15 than January 1, 2020, for the adoption of rules necessary to
16 implement and administer the new Code chapter.