

House File 479 - Introduced

HOUSE FILE 479

BY GERHOLD, JENEARY, and
BRADLEY

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 Iowa department of veterans
7 affairs created in section 35A.4.

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 diabetic foot ulcers, traumatic brain injury, or post-traumatic
13 stress disorder prescribed by a health care practitioner that
14 utilizes, as part 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.

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 in administering the
32 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, 2029. Any unencumbered or unobligated moneys
14 remaining in the fund as of June 30, 2029, 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 in a manner as
23 prescribed by the department.

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

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

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

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

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

1 e. Any other information required by the department.

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

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

21 **Sec. 5. NEW SECTION. 35E.5 Provision of treatment —**
22 **reimbursement of expenses.**

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

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

34 3. A treatment facility that elects to provide treatment
35 under the pilot program shall submit to the department regular

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

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

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

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

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

21 5. The department shall reimburse a veteran from moneys in
22 the veterans recovery fund for any travel and living expenses
23 incurred by the veteran receiving hyperbaric oxygen treatment
24 under the pilot program if the amount requested does not exceed
25 the estimated cost of travel and living expenses as provided in
26 the approved treatment plan or modified treatment plan.

27 6. After six months from the date specified in the reports
28 submitted to the department from a treatment facility that
29 treatment has concluded, the department shall notify the
30 treatment facility and veteran in writing of the expenses
31 that have been reimbursed and whether the amounts reimbursed
32 are less than the costs authorized to be reimbursed pursuant
33 to an approved treatment plan or modified treatment plan.
34 The written notification shall further notify the treatment
35 facility and the veteran that any requests for reimbursement

1 shall not be authorized if a request for reimbursement is not
2 submitted within ninety days after receiving the notice unless,
3 prior to the ninety days, the treatment facility indicates that
4 treatment has not been completed.

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

6 This chapter is repealed July 1, 2029.

7 Sec. 7. DIRECTIVE TO DEPARTMENT OF VETERANS AFFAIRS. The
8 department of veterans affairs shall submit a notice of
9 intended action to the administrative rules coordinator and
10 the administrative code editor pursuant to section 17A.4,
11 subsection 1, paragraph "a", not later than January 1, 2024,
12 for the adoption of rules to implement and administer chapter
13 35E as enacted in this Act.

14 EXPLANATION

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

17 This bill establishes a veterans recovery pilot program,
18 administered by the department of veterans affairs for the
19 reimbursement of expenses related to providing hyperbaric
20 oxygen treatment to eligible veterans.

21 New Code section 35E.1 establishes definitions applicable
22 to the new Code chapter. The bill includes definitions for
23 commission, department, health care practitioner, hyperbaric
24 oxygen treatment, traumatic brain injury, treatment facility,
25 and veteran. Specifically, the bill defines hyperbaric oxygen
26 treatment as treatment, including diagnostic testing and other
27 related medical treatments, for diabetic foot ulcers, traumatic
28 brain injury, or post-traumatic stress disorder prescribed by a
29 health care practitioner that utilizes a United States food and
30 drug administration-approved hyperbaric chamber or hyperbaric
31 oxygen device.

32 New Code section 35E.2 establishes the veterans recovery
33 pilot program, subject to sufficient funds to operate the
34 program, requires the department of veterans affairs to adopt
35 rules to implement and administer the program, and includes

1 a reporting requirement for each department concerning the
2 operation of the pilot program.

3 New Code section 35E.3 creates a veterans recovery fund
4 in the state treasury under the control of the department of
5 veterans affairs. The new Code section provides that moneys in
6 the fund are appropriated to the department of veterans affairs
7 to be expended for expenses incurred in operating the program
8 and for expenses authorized to be reimbursed for hyperbaric
9 oxygen treatment and any related travel and living expenses
10 incurred by the veteran. The new Code section provides that
11 moneys in the fund shall not revert but shall remain available
12 for use until June 30, 2029. Any moneys remaining in the fund
13 as of June 30, 2029, shall be transferred for deposit in the
14 veterans trust fund.

15 New Code section 35E.4 provides for the process for a
16 treating facility to seek reimbursement from the veterans
17 recovery fund for providing hyperbaric oxygen treatment. The
18 bill provides that a treating facility may submit a proposed
19 treatment plan to the department of veterans affairs and
20 the commission of veterans affairs for their approval. The
21 treatment plan shall include the prescription order for the
22 treatment, information verifying the eligibility of the veteran
23 and the treatment facility to provide the treatment, the
24 estimated costs for providing the treatment and for reimbursing
25 the veteran for any associated travel and living expenses, and
26 any other information required by the department of veterans
27 affairs. The new Code section provides that the treatment
28 plan shall not be approved if sufficient moneys to reimburse
29 the estimated costs are not available in the veterans recovery
30 fund. The new Code section also establishes a process for
31 submitting a modified treatment plan if the estimated costs
32 for providing the treatment are anticipated to exceed the cost
33 estimate in the initial treatment plan.

34 New Code section 35E.5 provides for requirements relative
35 to providing hyperbaric oxygen treatment and provides for

1 the manner in which treatment-related expenses are to be
2 reimbursed. The Code section provides that a treatment
3 facility shall not be reimbursed for providing treatment
4 unless a treatment plan has been approved. If a treatment
5 facility elects to provide hyperbaric oxygen treatment under
6 the pilot program, the facility shall provide the treatment
7 without charge to a veteran and shall submit regular reports
8 to the department of veterans affairs concerning the efficacy
9 of the treatment and on whether the treatments have been
10 concluded. The new Code section also provides for a process
11 for a treatment facility and a veteran to receive reimbursement
12 for expenses incurred. The new Code sections require the
13 department of veterans affairs to provide written notification
14 to the treatment facility and veteran after treatment has
15 concluded, which notice shall indicate when any additional
16 requests for reimbursement may be made.

17 Code section 35E.6 provides that the new Code chapter is
18 repealed July 1, 2029.

19 The bill further directs the department of veterans affairs
20 to submit a notice of intended action to the administrative
21 rules coordinator and the administrative code editor not later
22 than January 1, 2024, for the adoption of rules necessary to
23 implement and administer the new Code chapter.