

House File 2662 - Introduced

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BY COMMITTEE ON VETERANS AFFAIRS

(SUCCESSOR TO HF 2481)

A BILL FOR

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

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

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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 created in section 35A.2.

6 2. "*Department*" means the Iowa department of veterans affairs
7 established in section 35A.4.

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

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

16 5. "*Program*" means the veterans recovery program established
17 under section 35E.2.

18 6. "*Traumatic brain injury*" means an injury to the brain
19 acquired during military service.

20 7. "*Treatment facility*" means a hospital as defined in
21 section 135B.1, an organized outpatient health facility as
22 defined in section 135.61, or any other facility that is
23 authorized by the department to provide hyperbaric oxygen
24 treatment under this chapter.

25 8. "*Veteran*" means a veteran as defined in section 35.1.

26 9. "*Veterans traumatic brain injury recovery fund*" means the
27 veterans traumatic brain injury recovery fund created in section
28 35E.3.

29 Sec. 2. NEW SECTION. **35E.2 Veterans recovery program —**
30 **establishment — reports — rules.**

31 1. The department shall establish a veterans recovery
32 program, subject to sufficient moneys in the veterans traumatic
33 brain injury recovery fund to operate the program, to award
34 grants to statewide veterans service organizations to coordinate
35 the provision of hyperbaric oxygen treatment and support services

1 to eligible veterans who have been diagnosed with post-traumatic
2 stress disorder or a traumatic brain injury pursuant to the
3 requirements of this chapter.

4 2. The department shall adopt rules to implement and
5 administer this chapter.

6 3. By January 1 of each year, the department shall submit
7 to the governor and the general assembly a report regarding the
8 program that includes an evaluation of the effectiveness of the
9 program, including as shown by cognitive testing before and after
10 treatment, and the number of veterans and treatment facilities
11 participating in the program.

12 Sec. 3. NEW SECTION. **35E.3 Veterans traumatic brain injury**
13 **recovery fund.**

14 1. A veterans traumatic brain injury recovery fund is created
15 in the state treasury under the control of the department.

16 2. The fund shall consist of moneys appropriated for purposes
17 of the program, and any other devise, gift, bequest, donation,
18 federal or other grant, reimbursement of payments made by any
19 responsible third-party payor, repayment, judgment, transfer, or
20 payment intended to be used for the purposes of the fund.

21 3. Moneys in the fund are appropriated to the department
22 and may be expended by the department for any of the following
23 purposes:

24 a. Expenses incurred by the department in administering the
25 program.

26 b. To award grants to statewide veterans service
27 organizations for expenses authorized pursuant to a treatment
28 plan approved pursuant to section 35E.4 for hyperbaric oxygen
29 treatment of a veteran under the program.

30 4. Notwithstanding section 12C.7, subsection 2, interest or
31 earnings on moneys in the fund shall be credited to the fund.
32 Notwithstanding section 8.33, unencumbered or unobligated moneys
33 in the fund shall not revert but shall remain available for
34 expenditure for the purposes designated.

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

1 **treatment plan.**

2 1. A veterans service organization seeking reimbursement for
3 a treatment facility's provision of hyperbaric oxygen treatment
4 to a veteran under the program shall, prior to the provision
5 of such treatment, submit a proposed treatment plan to the
6 department in a manner as prescribed by the department.

7 2. The proposed treatment plan must include all of the
8 following information:

9 a. A prescription order for hyperbaric oxygen treatment
10 issued by a health care practitioner.

11 b. Information verifying the eligibility of the veteran to
12 receive treatment and that the treatment facility is authorized
13 to provide hyperbaric oxygen treatment.

14 c. An estimate of the costs for providing hyperbaric oxygen
15 treatment by the treatment facility.

16 d. Any other information required by the department.

17 3. Upon receipt of a proposed treatment plan, the department
18 and the commission shall approve or disapprove the treatment
19 plan within a reasonable time as established by rule. The
20 department shall not approve the treatment plan if moneys
21 in the veterans traumatic brain injury recovery fund are not
22 sufficient to reimburse the estimated costs and expenses provided
23 in the proposed treatment plan. The department shall notify
24 the veterans service organization whether the treatment plan was
25 approved or disapproved.

26 4. A veterans service organization may, following approval
27 of a proposed treatment plan, submit a modified treatment plan
28 if actual expenses are anticipated to exceed the estimated costs
29 approved in the initial treatment plan. The department and the
30 commission shall approve or disapprove the modified treatment
31 plan, subject to sufficient moneys in the veterans traumatic
32 brain injury recovery fund for the increased expenses, and shall
33 notify the veterans service organization within a reasonable time
34 as established by rule whether the modified treatment plan was
35 approved or disapproved.

1 Sec. 5. NEW SECTION. **35E.5 Provision of treatment —**
2 **reimbursement of expenses.**

3 1. A treatment facility shall receive reimbursement of
4 expenses incurred in providing hyperbaric oxygen treatment under
5 the program to a veteran from a veterans service organization if
6 the department and the commission have approved a treatment plan
7 under section 35E.4 for the veteran.

8 2. A treatment facility that elects to provide hyperbaric
9 oxygen treatment to a veteran under the program shall provide
10 the treatment without charge to the veteran. A veteran receiving
11 treatment under the program is not liable for the cost of
12 treatment or expenses incurred under the program.

13 3. A veterans service organization participating in the
14 program shall submit to the department regular reports, in the
15 form prescribed by the department, of the veteran's measured
16 health improvements under the treatment plan and whether
17 treatments are continuing or have concluded. If hyperbaric
18 oxygen treatment has concluded, the veterans service organization
19 shall indicate the date the treatment concluded.

20 4. A veterans service organization coordinating hyperbaric
21 oxygen treatment under the program may submit a request for
22 reimbursement of expenses incurred by the treatment facility to
23 the department. The department shall approve the request and
24 reimburse the expenses from the veterans traumatic brain injury
25 recovery fund if all of the following criteria are met:

26 a. The hyperbaric oxygen treatment was provided according to
27 the approved treatment plan or modified treatment plan.

28 b. The expenses do not exceed the estimated cost of the
29 hyperbaric oxygen treatment as provided in the approved treatment
30 plan or modified treatment plan.

31 c. The veterans service organization demonstrates in the
32 reports submitted to the department as required by subsection 3
33 that the veteran is making measured health improvements or that
34 continuing treatment is recommended.

35 5. After six months from the date specified in the reports

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

13 Sec. 6. DIRECTIVE TO DEPARTMENT OF VETERANS AFFAIRS. The
14 department of veterans affairs shall submit a regulatory analysis
15 of proposed rules to the administrative code editor pursuant to
16 section 17A.4A, subsection 4, not later than January 1, 2027, for
17 the adoption of rules to implement and administer chapter 35E as
18 enacted in this Act.

19 EXPLANATION

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

22 This bill establishes a veterans recovery program,
23 administered by the department of veterans affairs (department)
24 for the reimbursement of expenses related to providing hyperbaric
25 oxygen treatment to eligible veterans.

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

1 New Code section 35E.2 establishes the veterans recovery
2 program, subject to sufficient moneys to operate the program,
3 requires the department to adopt rules to implement and
4 administer the program, and includes a reporting requirement for
5 the department concerning the operation of the program.

6 New Code section 35E.3 creates a veterans traumatic brain
7 injury recovery fund in the state treasury under the control
8 of the department. Moneys in the fund are appropriated to the
9 department to be expended for expenses incurred in operating
10 the program and for expenses authorized to be reimbursed for
11 hyperbaric oxygen treatment.

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

29 New Code section 35E.5 provides for requirements relative to
30 providing hyperbaric oxygen treatment and provides for the manner
31 in which treatment-related expenses are to be reimbursed. The
32 bill provides that a veterans service organization shall not
33 be reimbursed for treatment unless a treatment plan has been
34 approved. If a treatment facility elects to provide hyperbaric
35 oxygen treatment under the program, the facility shall provide

1 the treatment without charge to a veteran. A participating
2 veterans service organization shall submit regular reports to
3 the department concerning the efficacy of the treatment and
4 whether the treatments have been concluded. The bill also
5 provides for a process for a treatment facility and a veteran to
6 receive reimbursement for expenses incurred. The bill requires
7 the department to provide written notification to the veterans
8 service organization and veteran after treatment has concluded,
9 which notice shall indicate when any additional requests for
10 reimbursement may be made.

11 The bill further directs the department to submit a regulatory
12 analysis of proposed rules to the administrative code editor not
13 later than January 1, 2027, for the adoption of rules necessary
14 to implement and administer the new Code chapter.

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