

House File 326 - Introduced

HOUSE FILE 326

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A BILL FOR

1 An Act establishing a veterans recovery pilot program and
2 fund 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:

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 affairs
7 created 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, 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 under
19 the direction of an institutional review board with a national
20 clinical trial number.

21 5. "*Pilot program*" means the veterans recovery pilot program
22 established under section 35E.2.

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 10A.711, 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 moneys 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 been
9 diagnosed with a post-traumatic stress disorder or a traumatic
10 brain injury pursuant to the requirements of this chapter.

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

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

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

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

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

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

30 a. Expenses incurred by the department in administering the
31 pilot program.

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

35 c. Expenses authorized pursuant to a treatment plan approved

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

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

9 5. For purposes of section 8.33, unencumbered or unobligated
10 moneys in the fund shall not revert but shall remain available
11 for expenditure for the purposes designated until June 30, 2031.
12 Any unencumbered or unobligated moneys remaining in the fund as
13 of June 30, 2031, shall not revert but shall be transferred for
14 deposit in the veterans trust fund created in section 35A.13.

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

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

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

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

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

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

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

34 e. Any other information required by the department.

35 3. Upon receipt of a proposed treatment plan, the department

1 and the commission shall approve or disapprove the treatment
2 plan within a reasonable time as established by rule. The
3 department shall not approve the treatment plan if moneys in
4 the veterans recovery fund are not sufficient to reimburse the
5 estimated costs and expenses provided in the proposed treatment
6 plan. The department shall notify the treatment facility whether
7 the treatment plan was approved or disapproved.

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

18 Sec. 5. NEW SECTION. **35E.5 Provision of treatment —**
19 **reimbursement of expenses.**

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

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

30 3. A treatment facility that elects to provide treatment
31 under the pilot program shall submit to the department regular
32 reports, in the form prescribed by the department, of the
33 veteran's measured health improvements under the treatment plan
34 and whether treatments are continuing or have concluded. If
35 hyperbaric oxygen treatment has concluded, the treatment facility

1 shall indicate the date the treatment concluded.

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

8 a. The hyperbaric oxygen treatment was provided according to
9 the approved treatment plan or modified treatment plan.

10 b. The expenses do not exceed the estimated cost of the
11 hyperbaric oxygen treatment as provided in the approved treatment
12 plan or modified treatment plan.

13 c. The treatment facility demonstrates in the reports
14 submitted to the department as required by subsection 3 that the
15 veteran is making measured health improvements or that continuing
16 treatment is recommended.

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

23 6. After six months from the date specified in the reports
24 submitted to the department from a treatment facility that
25 treatment has concluded, the department shall notify the
26 treatment facility and veteran in writing of the expenses that
27 have been reimbursed and whether the amounts reimbursed are
28 less than the costs authorized to be reimbursed pursuant to
29 an approved treatment plan or modified treatment plan. The
30 written notification shall further notify the treatment facility
31 and the veteran that any requests for reimbursement shall not
32 be authorized if a request for reimbursement is not submitted
33 within ninety days after receiving the notice unless, prior to
34 the ninety days, the treatment facility indicates that treatment
35 has not been completed.

1 Sec. 6. NEW SECTION. **35E.6 Repeal.**

2 This chapter is repealed July 1, 2031.

3 Sec. 7. DIRECTIVE TO DEPARTMENT OF VETERANS AFFAIRS. The
4 department of veterans affairs shall submit a notice of
5 intended action to the administrative rules coordinator and the
6 administrative code editor pursuant to section 17A.4, subsection
7 1, paragraph "a", not later than January 1, 2026, for the
8 adoption of rules to implement and administer chapter 35E as
9 enacted in this Act.

10	EXPLANATION
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11 The inclusion of this explanation does not constitute agreement with
12 the explanation's substance by the members of the general assembly.

13 This bill establishes a veterans recovery pilot program,
14 administered by the department of veterans affairs for the
15 reimbursement of expenses related to providing hyperbaric oxygen
16 treatment to eligible veterans.

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

28 New Code section 35E.2 establishes the veterans recovery pilot
29 program, subject to sufficient moneys to operate the program,
30 requires the department of veterans affairs to adopt rules to
31 implement and administer the program, and includes a reporting
32 requirement for the department of veterans affairs concerning the
33 operation of the pilot program.

34 New Code section 35E.3 creates a veterans recovery fund in the
35 state treasury under the control of the department of veterans

1 affairs. The new Code section provides that moneys in the
2 fund are appropriated to the department of veterans affairs to
3 be expended for expenses incurred in operating the program and
4 for expenses authorized to be reimbursed for hyperbaric oxygen
5 treatment and any related travel and living expenses incurred by
6 the veteran. The new Code section provides that moneys in the
7 fund shall not revert but shall remain available for use until
8 June 30, 2031. Any moneys remaining in the fund as of June
9 30, 2031, shall be transferred for deposit in the veterans trust
10 fund.

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

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

1 hyperbaric oxygen treatment under the pilot program, the facility
2 shall provide the treatment without charge to a veteran and
3 shall submit regular reports to the department of veterans
4 affairs concerning the efficacy of the treatment and whether
5 the treatments have been concluded. The new Code section also
6 provides for a process for a treatment facility and a veteran
7 to receive reimbursement for expenses incurred. The new Code
8 sections require the department of veterans affairs to provide
9 written notification to the treatment facility and veteran after
10 treatment has concluded, which notice shall indicate when any
11 additional requests for reimbursement may be made.

12 Code section 35E.6 provides that the new Code chapter is
13 repealed July 1, 2031.

14 The bill further directs the department of veterans affairs to
15 submit a notice of intended action to the administrative rules
16 coordinator and the administrative code editor not later than
17 January 1, 2026, for the adoption of rules necessary to implement
18 and administer the new Code chapter.