

**House File 2481 - Introduced**

HOUSE FILE 2481

BY HAYES and BODEN

**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:

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  
7 affairs established 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 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  
27 the veterans traumatic brain injury recovery fund created in  
28 section 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  
33 traumatic brain injury recovery fund to operate the program,  
34 to award grants to statewide veterans service organizations to  
35 coordinate the provision of hyperbaric oxygen treatment and

1 support services to eligible veterans who have been diagnosed  
2 with post-traumatic stress disorder or a traumatic brain injury  
3 pursuant to the 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  
8 the program that includes an evaluation of the effectiveness  
9 of the program, including as shown by cognitive testing before  
10 and after treatment, and the number of veterans and treatment  
11 facilities 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  
15 created in the state treasury under the control of the  
16 department.

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

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

26 a. Expenses incurred by the department in administering the  
27 program.

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

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

1 for expenditure for the purposes designated.

2 Sec. 4. NEW SECTION. 35E.4 Hyperbaric oxygen treatment —  
3 treatment plan.

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

9 2. The proposed treatment plan must include all of the  
10 following information:

11 a. A prescription order for hyperbaric oxygen treatment  
12 issued by a health care practitioner.

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

16 c. An estimate of the costs for providing hyperbaric oxygen  
17 treatment by the treatment facility.

18 d. Any other information required by the department.

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

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

1 within a reasonable time as established by rule whether the  
2 modified treatment plan was approved or disapproved.

3     Sec. 5. NEW SECTION. 35E.5 Provision of treatment —  
4 reimbursement of expenses.

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

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

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

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

28     *a.* The hyperbaric oxygen treatment was provided according to  
29 the approved treatment plan or modified treatment plan.

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

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

1 continuing treatment is recommended.

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

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

22 EXPLANATION

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

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

29 New Code section 35E.1 establishes definitions applicable to  
30 the new Code chapter, including definitions for "commission",  
31 "department", "health care practitioner", "hyperbaric oxygen  
32 treatment", "traumatic brain injury", "treatment facility",  
33 and "veteran". Specifically, the bill defines "hyperbaric  
34 oxygen treatment" as treatment, including diagnostic testing  
35 and other related medical treatments, for traumatic brain

1 injury or post-traumatic stress disorder prescribed by a health  
2 care practitioner that utilizes a hard-sided or soft-sided  
3 hyperbaric oxygen chamber.

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

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

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

33 New Code section 35E.5 provides for requirements relative  
34 to providing hyperbaric oxygen treatment and provides for  
35 the manner in which treatment-related expenses are to be

1 reimbursed. The bill provides that a veterans service  
2 organization shall not be reimbursed for treatment unless a  
3 treatment plan has been approved. If a treatment facility  
4 elects to provide hyperbaric oxygen treatment under the  
5 program, the facility shall provide the treatment without  
6 charge to a veteran. A participating veterans service  
7 organization shall submit regular reports to the department  
8 concerning the efficacy of the treatment and whether the  
9 treatments have been concluded. The bill also provides for  
10 a process for a treatment facility and a veteran to receive  
11 reimbursement for expenses incurred. The bill requires the  
12 department to provide written notification to the veterans  
13 service organization and veteran after treatment has concluded,  
14 which notice shall indicate when any additional requests for  
15 reimbursement may be made.

16 The bill further directs the department to submit a  
17 regulatory analysis of proposed rules to the administrative  
18 code editor not later than January 1, 2027, for the adoption  
19 of rules necessary to implement and administer the new Code  
20 chapter.