

COMMITTEE AMENDMENT
HOUSE OF REPRESENTATIVES
State of Oklahoma

SPEAKER:

CHAIR:

I move to amend HB2271
Page _____ Section _____ Lines _____
Of the printed Bill
Of the Engrossed Bill

By striking the Title, the Enacting Clause, the entire bill, and by inserting in lieu thereof the following language:

AMEND TITLE TO CONFORM TO AMENDMENTS

Adopted: _____

Amendment submitted by: John Bennett

Reading Clerk

1 STATE OF OKLAHOMA

2 2nd Session of the 53rd Legislature (2012)

3 PROPOSED COMMITTEE
4 SUBSTITUTE
5 FOR
6 HOUSE BILL NO. 2271

By: Bennett

7 PROPOSED COMMITTEE SUBSTITUTE

8 An Act relating to public health and safety; creating
9 the Hyperbaric Oxygen Treatment Act of 2012; stating
10 legislative intent; defining term; directing Oklahoma
11 Health Care Authority to seek overrides of certain
12 determinations; directing the Center for Aerospace
13 and Hyperbaric Medicine to allow certain hyperbaric
14 treatments; directing Oklahoma Health Care Authority
15 to seek waivers allowing for certain treatments;
16 specifying veterans shall be highest priority in
17 treatment; directing Authority to notify Legislature
18 in certain circumstance; providing for codification;
19 and providing an effective date.

20 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

21 SECTION 1. NEW LAW A new section of law to be codified
22 in the Oklahoma Statutes as Section 1-290.1 of Title 63, unless
23 there is created a duplication in numbering, reads as follows:

24 A. This act shall be known and may be cited as the "Hyperbaric
Oxygen Treatment Act of 2012".

B. The Legislature hereby declares that the use of hyperbaric
oxygen treatment (HBOT) has been demonstrated to have a profound and
positive effect on the treatment of various health conditions. The

1 Legislature also recognizes that HBOT is covered by Medicare for a
2 number of conditions, and peer-reviewed scientific literature
3 indicates a wide range of benefit in the treatment of conditions
4 that may be broadly characterized as internal and external non-
5 healing. It is the intent of the Legislature that:

6 1. HBOT shall be made available to the citizens as much as
7 possible to the extent it is prescribed by a licensed health
8 professional whose scope of practice authorizes prescribing
9 authority; and

10 2. HBOT has been demonstrated to have a positive impact in the
11 treatment of injuries sustained by military servicemembers and the
12 use of HBOT for Oklahoma veterans shall be encouraged and supported
13 to the greatest extent possible. Any veteran who desires HBOT and
14 has received a prescription for HBOT shall receive priority access.

15 C. 1. For the purposes of the Hyperbaric Oxygen Treatment Act
16 of 2012, "HBOT" shall mean treatment in a hyperbaric chamber cleared
17 by the United States Food and Drug Administration with a valid
18 prescription, at a facility in compliance with applicable state fire
19 codes, supervised in accordance with a Centers for Medicare and
20 Medicaid Services (CMMS) National Coverage Determination, or in
21 accordance with the applicable third-party payer's rule, and
22 delivered by authorized licensed or nationally certified health care
23 providers and otherwise in accordance with state law. No other
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1 rules restricting payment shall be placed upon the practitioner or
2 health care provider.

3 2. Where HBOT has been shown to reduce the costs of treatment
4 of certain conditions and injuries the Oklahoma Health Care
5 Authority shall seek any waivers or approvals required from the CMMS
6 in order to implement the safe and effective use of HBOT. If a
7 Medicare Administrative Contractor (MAC) or Fiscal Intermediary (FI)
8 creates or enforces a Local Coverage Determination (LCD) that
9 restricts access to treatment or the availability of treatment for
10 any CMMS National Coverage Determination to patients needing HBOT,
11 the Authority shall seek to have the MAC or FI override the LCD.

12 SECTION 2. NEW LAW A new section of law to be codified
13 in the Oklahoma Statutes as Section 1-290.2 of Title 63, unless
14 there is created a duplication in numbering, reads as follows:

15 The Center for Aerospace and Hyperbaric Medicine of the Oklahoma
16 State University Center for Health Sciences in Tulsa, Oklahoma,
17 shall allow the use of the hyperbaric chamber on campus for the
18 treatment of patients in need of hyperbaric oxygen treatment. The
19 Center shall coordinate with the hospitals of Tulsa and surrounding
20 area to provide for the treatment of patients in need of hyperbaric
21 oxygen treatment. Recognizing the need for the use of the
22 hyperbaric chamber for research, the Center shall work with the
23 hospitals to develop a schedule of use which will benefit patients
24 needing treatment and the university's research requirements.

1 SECTION 3. NEW LAW A new section of law to be codified
2 in the Oklahoma Statutes as Section 1-290.3 of Title 63, unless
3 there is created a duplication in numbering, reads as follows:

4 The Oklahoma Health Care Authority, in cooperation with the
5 Oklahoma Department of Veterans Affairs, shall apply for any waiver
6 required to facilitate hyperbaric oxygen treatment (HBOT) for state
7 veterans in need of treatment. Veterans suffering from traumatic
8 brain injuries or any other service-connected health condition which
9 may be improved through the use of hyperbaric oxygen treatment shall
10 be considered the highest-priority patients at any publicly operated
11 hyperbaric chamber in the state. The Authority shall report to the
12 President Pro Tempore of the Senate and the Speaker of the House of
13 Representatives if the Oklahoma Department of Veterans Affairs or
14 the Centers for Medicare and Medicaid Services require any further
15 statutory modification in order to allow treatment of veterans in
16 need of HBOT.

17 SECTION 4. This act shall become effective November 1, 2012.

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19 53-2-9252 SDR 02/09/12

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