

1 STATE OF OKLAHOMA

2 2nd Session of the 54th Legislature (2014)

3 SUBCOMMITTEE
4 RECOMMENDATION

5 FOR ENGROSSED
6 SENATE BILL NO. 1604

By: Allen, Shortey and Johnson
(Constance) of the Senate

and

Bennett of the House

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10 SUBCOMMITTEE RECOMMENDATION

11 [public health and safety - Oklahoma Veterans
12 Traumatic Brain Injury Treatment and Recovery Act
13 of 2014 - codification - effective date]

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

17 SECTION 1. NEW LAW A new section of law to be codified
18 in the Oklahoma Statutes as Section 1-291.1 of Title 63, unless
19 there is created a duplication in numbering, reads as follows:

20 This act shall be known as the "Oklahoma Veterans Traumatic
21 Brain Injury Treatment and Recovery Act of 2014".

22 SECTION 2. NEW LAW A new section of law to be codified
23 in the Oklahoma Statutes as Section 1-291.2 of Title 63, unless
24 there is created a duplication in numbering, reads as follows:

1 For the purposes of this act, "hyperbaric oxygen treatment"
2 (HBOT) shall mean treatment with a valid prescription from a medical
3 doctor or doctor of osteopathy in either a hyperbaric chamber
4 cleared by the United States Food and Drug Administration (FDA) or a
5 device with an appropriate FDA-approved investigational device
6 exemption, located at a facility in compliance with applicable state
7 fire codes and supervised in accordance with requirements in the
8 Oklahoma Veterans Traumatic Brain Injury Treatment and Recovery Act
9 of 2014. The treatment shall be delivered solely by authorized,
10 licensed or nationally certified health care providers in accordance
11 with federal and state law.

12 SECTION 3. NEW LAW A new section of law to be codified
13 in the Oklahoma Statutes as Section 1-291.3 of Title 63, unless
14 there is created a duplication in numbering, reads as follows:

15 There is hereby created in the State Treasury a revolving
16 fund for the Department of Veterans Affairs to be designated the
17 "Veterans Traumatic Brain Injury Treatment and Recovery Revolving
18 Fund". The fund shall be a continuing fund, not subject to fiscal
19 year limitations, and shall consist of all the monies received by
20 the Department of Veterans Affairs in the form of donations,
21 appropriations or other monies for such fund. All monies accruing
22 to the credit of the fund are appropriated and may be budgeted and
23 expended by the Department for the purpose of veterans' treatment as
24 provided by law. Expenditures from the fund shall be made upon

1 warrants issued by the State Treasurer against claims filed as
2 prescribed by law with the Director of the Office of Management and
3 Enterprise Services for approval and payment.

4 SECTION 4. NEW LAW A new section of law to be codified
5 in the Oklahoma Statutes as Section 1-291.4 of Title 63, unless
6 there is created a duplication in numbering, reads as follows:

7 For the purposes of this act, the Oklahoma State University
8 Center for Aerospace and Hyperbaric Medicine (OSUCAHM) shall have
9 full statewide jurisdiction over all medical treatments provided and
10 costs allowed to providers who request reimbursement from the
11 Veterans Traumatic Brain Injury Treatment and Recovery Revolving
12 Fund created in Section 3 of this act.

13 Prior to the treatment of any veteran for traumatic brain injury
14 (TBI), the OSUCAHM shall develop and publish a standard approved
15 treatment plan for veterans being treating using HBOT for Traumatic
16 Brain Injury (TBI). In the event a medical professional prescribes
17 a treatment under Section 2 of this act that does not comport and
18 comply with the provisions of the standard plan, OSUCAHM shall have
19 the authority to approve or disapprove the treatment plan for
20 reimbursement under this act.

21 SECTION 5. NEW LAW A new section of law to be codified
22 in the Oklahoma Statutes as Section 1-291.5 of Title 63, unless
23 there is created a duplication in numbering, reads as follows:

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1 Any Oklahoma veteran who has been diagnosed with a traumatic
2 brain injury (TBI) and prescribed hyperbaric oxygen treatment (HBOT)
3 by a medical professional authorized under Section 2 of this act may
4 receive HBOT at any facility in the state that has a hyperbaric
5 chamber and provides treatment in accordance with Section 2 of this
6 act.

7 Prior to receiving treatment, a treatment plan for the TBI by
8 HBOT shall be reviewed and conform to a plan approved by the
9 Oklahoma State University Center for Aerospace and Hyperbaric
10 Medicine. The facility seeking reimbursement from the fund shall
11 request approval for funding from the Director of the Office of
12 Management and Enterprise Services. Upon receipt of an approved
13 request for treatment, the funds for treatment shall be set aside
14 and used to ensure payment in full for the veteran's treatment. If
15 there is not enough money in the fund to set aside for treatment
16 reimbursement, the Director of Office of Management and Enterprise
17 Services shall deny approval of the request.

18 At the conclusion of six (6) months of no treatment and/or the
19 lack of submission of any bills, the Director of the Office of
20 Management and Enterprise Services shall advise the veteran and the
21 participating facility that the funding reserved for the HBOT shall
22 expire within ninety (90) days if no contact is made by the facility
23 that treatment is scheduled and/or continued. Should the facility
24 fail to contact the Office of Management and Enterprise Services

1 with the information that treatment is scheduled and/or continued,
2 then the monies reserved for treatment of that veteran shall be
3 released and made available to another veteran meeting the
4 requirements of this act.

5 SECTION 6. NEW LAW A new section of law to be codified
6 in the Oklahoma Statutes as Section 1-291.6 of Title 63, unless
7 there is created a duplication in numbering, reads as follows:

8 Subject to the availability of funding, participating facilities
9 who provide HBOT to veterans suffering from TBI shall provide
10 treatment at no cost to the veteran and shall submit a bill for any
11 treatment to the Director of the Office of Management and Enterprise
12 Services. The bill shall be paid from the Veterans Traumatic Brain
13 Injury Treatment and Recovery Revolving Fund to the extent funds are
14 available. Should the costs of the treatment exceed the
15 availability of funds, the veteran treated shall be held harmless
16 from any costs of treatment by the facility and the state shall be
17 under no obligation to make payments beyond the approved amount in
18 the fund created in Section 3 of this act and set aside for that
19 purpose by the Director of the Office of Management and Enterprise
20 Services.

21 SECTION 7. This act shall become effective July 1, 2015.

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