

1 STATE OF OKLAHOMA

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

3 COMMITTEE SUBSTITUTE
4 FOR ENGROSSED
5 SENATE BILL NO. 1604

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

and

Bennett of the House

10 COMMITTEE SUBSTITUTE

11 An Act relating to public health and safety; creating
12 the Oklahoma Veterans Traumatic Brain Injury
13 Treatment and Recovery Act of 2014; providing short
14 title; providing definition; creating Veterans
15 Traumatic Brain Injury Treatment and Recovery
16 Revolving Fund and providing for contents and purpose
17 of, and expenditures from, such fund; declaring
18 jurisdiction; providing access to certain treatment;
19 requiring funds to be put in reserve; providing for
20 release of certain funds; stating that certain
21 treatment shall be provided at no cost; directing
22 submission of bills and payment of bills from certain
23 fund; providing for codification; and providing an
24 effective date.

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

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

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

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

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

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

20 There is hereby created in the State Treasury a revolving
21 fund for the Department of Veterans Affairs to be designated the
22 "Veterans Traumatic Brain Injury Treatment and Recovery Revolving
23 Fund". The fund shall be a continuing fund, not subject to fiscal
24 year limitations, and shall consist of all the monies received by

1 the Department of Veterans Affairs in the form of donations,
2 appropriations or other monies for such fund. All monies accruing
3 to the credit of the fund are appropriated and may be budgeted and
4 expended by the Department for the purpose of veterans' treatment as
5 provided by law. Expenditures from the fund shall be made upon
6 warrants issued by the State Treasurer against claims filed as
7 prescribed by law with the Director of the Office of Management and
8 Enterprise Services for approval and payment.

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

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

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

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

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

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

23 At the conclusion of six (6) months of no treatment and/or the
24 lack of submission of any bills, the Director of the Office of

1 Management and Enterprise Services shall advise the veteran and the
2 participating facility that the funding reserved for the HBOT shall
3 expire within ninety (90) days if no contact is made by the facility
4 that treatment is scheduled and/or continued. Should the facility
5 fail to contact the Office of Management and Enterprise Services
6 with the information that treatment is scheduled and/or continued,
7 then the monies reserved for treatment of that veteran shall be
8 released and made available to another veteran meeting the
9 requirements of this act.

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

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

3 SECTION 7. This act shall become effective November 1, 2014.

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