

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 2nd Session of the 54th Legislature (2014)

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

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

7 and

8 Bennett, Moore, Hardin,
9 Denney and Kern of the
10 House

11
12 COMMITTEE SUBSTITUTE

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

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

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

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

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

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

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

23 There is hereby created in the State Treasury a revolving
24

1 fund for the Department of Veterans Affairs to be designated the
2 "Veterans Traumatic Brain Injury Treatment and Recovery Revolving
3 Fund". The fund shall be a continuing fund, not subject to fiscal
4 year limitations, and shall consist of all the monies received by
5 the Department of Veterans Affairs in the form of donations,
6 appropriations or other monies for such fund. All monies accruing
7 to the credit of the fund are appropriated and may be budgeted and
8 expended by the Department for the purpose of veterans' treatment as
9 provided by law. Expenditures from the fund shall be made upon
10 warrants issued by the State Treasurer against claims filed as
11 prescribed by law with the Director of the Office of Management and
12 Enterprise Services for approval and payment.

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

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

22 Prior to the treatment of any veteran for traumatic brain injury
23 (TBI), the OSUCAHM shall develop and publish a standard approved
24 treatment plan for veterans being treating using HBOT for Traumatic

1 Brain Injury (TBI). In the event a medical professional prescribes
2 a treatment under Section 2 of this act that does not comport and
3 comply with the provisions of the standard plan, OSUCAHM shall have
4 the authority to approve or disapprove the treatment plan for
5 reimbursement under this act.

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

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

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

3 At the conclusion of six (6) months of no treatment and/or the
4 lack of submission of any bills, the Director of the Office of
5 Management and Enterprise Services shall advise the veteran and the
6 participating facility that the funding reserved for the HBOT shall
7 expire within ninety (90) days if no contact is made by the facility
8 that treatment is scheduled and/or continued. Should the facility
9 fail to contact the Office of Management and Enterprise Services
10 with the information that treatment is scheduled and/or continued,
11 then the monies reserved for treatment of that veteran shall be
12 released and made available to another veteran meeting the
13 requirements of this act.

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

17 Subject to the availability of funding, participating facilities
18 who provide HBOT to veterans suffering from TBI shall provide
19 treatment at no cost to the veteran and shall submit a bill for any
20 treatment to the Director of the Office of Management and Enterprise
21 Services. The bill shall be paid from the Veterans Traumatic Brain
22 Injury Treatment and Recovery Revolving Fund to the extent funds are
23 available. Should the costs of the treatment exceed the
24 availability of funds, the veteran treated shall be held harmless

1 from any costs of treatment by the facility and the state shall be
2 under no obligation to make payments beyond the approved amount in
3 the fund created in Section 3 of this act and set aside for that
4 purpose by the Director of the Office of Management and Enterprise
5 Services.

6 SECTION 7. This act shall become effective November 1, 2014.
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8 COMMITTEE REPORT BY: COMMITTEE ON APPROPRIATIONS AND BUDGET, dated
9 04/10/2014 - DO PASS, As Amended and Coauthored.
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