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February 26, 2014

COMMITTEE SUBSTITUTE
FOR

SENATE BILL NO. 1604

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

and

Bennett of the House

[public health and safety - Oklahoma Veterans
Traumatic Brain Injury Treatment and Recovery Act of
2014 - codification - 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 of Title 63, unless there is created a duplication in numbering, reads as follows:

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

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

For the purposes of this act, "hyperbaric oxygen treatment" (HBOT) shall mean treatment with a valid prescription from a medical doctor or doctor of osteopathy in either a hyperbaric chamber

1 cleared by the United States Food and Drug Administration (FDA) or a
2 device with an appropriate FDA-approved investigational device
3 exemption, located at a facility in compliance with applicable state
4 fire codes and supervised in accordance with requirements in the
5 Oklahoma Veterans Traumatic Brain Injury Treatment and Recovery Act.
6 The treatment shall be delivered solely by authorized, licensed or
7 nationally certified health care providers in accordance with
8 federal and state law.

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

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

1 SECTION 4. NEW LAW A new section of law to be codified
2 in the Oklahoma Statutes as Section 1-291.3 of Title 63, unless
3 there is created a duplication in numbering, reads as follows:

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

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

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

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

3 Prior to receiving treatment, a treatment plan for the TBI by
4 HBOT shall be reviewed and conform to a plan approved by the
5 Oklahoma State University Center for Aerospace and Hyperbaric
6 Medicine. The facility seeking reimbursement from the fund shall
7 request approval for funding from the Director of the Office of
8 Management and Enterprise Service. Upon receipt of an approved
9 request for treatment, the funds for treatment shall be set aside
10 and used to ensure payment in full for the veteran's treatment.

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

21 SECTION 6. 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 Subject to the availability of funding, participating facilities
2 who provide HBOT to veterans suffering from TBI shall provide
3 treatment at no cost to the veteran and shall submit a bill for any
4 treatment to the Director of the Office of Management and Enterprise
5 Services. The bill shall be paid from the Veterans Traumatic Brain
6 Injury Treatment and Recovery Revolving Fund to the extent funds are
7 available. Should the costs of the treatment exceed the
8 availability of funds, the veteran treated shall be held harmless
9 from any costs of treatment by the facility and the state shall have
10 no obligation to make payments above the agreed upon contract.

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

12 COMMITTEE REPORT BY: COMMITTEE ON APPROPRIATIONS
13 February 26, 2014 - DO PASS AS AMENDED
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