

## Chapter 235

H.B. No. 271

### AN ACT

1  
2 relating to the establishment of the Veterans Recovery Pilot  
3 Program to provide certain veterans with hyperbaric oxygen  
4 treatment.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

6 SECTION 1. Subtitle B, Title 2, Health and Safety Code, is  
7 amended by adding Chapter 49 to read as follows:

#### 8 CHAPTER 49. VETERANS RECOVERY PILOT PROGRAM

9 Sec. 49.001. DEFINITIONS. In this chapter:

10 (1) "Facility" includes a hospital, public health  
11 clinic, outpatient health clinic, community health center, and any  
12 other facility authorized under commission rules to provide  
13 hyperbaric oxygen treatment under this chapter.

14 (2) "Health care practitioner" means a person who is  
15 licensed to provide medical or other health care in this state and  
16 who has prescriptive authority, including a physician.

17 (3) "Hyperbaric oxygen treatment" means treatment for  
18 post-traumatic stress disorder or a traumatic brain injury  
19 prescribed by a health care practitioner and delivered in:

20 (A) a hyperbaric chamber approved by the United  
21 States Food and Drug Administration; or

22 (B) a hyperbaric oxygen device that is approved  
23 by the United States Food and Drug Administration for  
24 investigational use under the direction of an institutional review

1 board with a national clinical trial number.

2 (4) "Physician" means a person licensed to practice  
3 medicine by the Texas Medical Board.

4 (5) "Pilot program" means the Veterans Recovery Pilot  
5 Program established under this chapter.

6 (6) "Traumatic brain injury" means an acquired injury  
7 to the brain. The term does not include brain dysfunction caused by  
8 congenital or degenerative disorders or birth trauma.

9 (7) "Veteran" means an individual who has served in:

10 (A) an active or reserve component of the army,  
11 navy, air force, coast guard, or marine corps of the United States;  
12 or

13 (B) the Texas National Guard as defined by  
14 Section 431.001(4), Government Code.

15 Sec. 49.002. ESTABLISHMENT AND OPERATION OF PILOT PROGRAM.

16 (a) Except as provided by Subsection (b), the commission, using  
17 existing resources, shall establish and operate the Veterans  
18 Recovery Pilot Program to provide diagnostic services, hyperbaric  
19 oxygen treatment, and support services to eligible veterans who  
20 have post-traumatic stress disorder or a traumatic brain injury.

21 (b) If there is insufficient money in the veterans recovery  
22 account established under Section 49.004 to cover the commission's  
23 expenses in administering the pilot program, the commission may not  
24 operate the pilot program.

25 (c) The executive commissioner may appoint an advisory  
26 board to assist the commission in developing the pilot program.

27 Sec. 49.003. RULES. The executive commissioner shall adopt

1 rules to implement this chapter, including standards for veteran  
2 and facility eligibility under the pilot program and standards to  
3 ensure patient confidentiality is protected under the pilot  
4 program. The standards must require that:

5 (1) eligible facilities comply with applicable fire  
6 codes, oversight requirements, and any treatment protocols  
7 provided in commission rules; and

8 (2) eligible participants in the pilot program reside  
9 in this state.

10 Sec. 49.004. VETERANS RECOVERY ACCOUNT. (a) The veterans  
11 recovery account is a dedicated account in the general revenue  
12 fund.

13 (b) The veterans recovery account consists of:

14 (1) gifts, grants, and other donations received for  
15 the account; and

16 (2) interest earned on the investment of money in the  
17 fund.

18 (c) Section 403.0956, Government Code, does not apply to the  
19 veterans recovery account.

20 (d) The executive commissioner shall administer the  
21 veterans recovery account. Money in the account may be used only to  
22 pay for:

23 (1) expenses of administering the pilot program;

24 (2) diagnostic testing and treatment of a veteran with  
25 post-traumatic stress disorder or a traumatic brain injury under  
26 the pilot program; and

27 (3) a veteran's necessary travel and living expenses

1 for a veteran required to travel to obtain treatment under the pilot  
2 program.

3 (e) The executive commissioner shall seek reimbursement for  
4 payments made under the pilot program from the TRICARE program of  
5 the United States Department of Defense, appropriate federal  
6 agencies, and any other responsible third party payor.

7 Sec. 49.005. HYPERBARIC OXYGEN TREATMENT; RESERVATION OF  
8 FUNDS. (a) The executive commissioner by rule shall adopt  
9 standards for the provision of hyperbaric oxygen treatment under  
10 the pilot program to veterans who have been diagnosed with  
11 post-traumatic stress disorder or a traumatic brain injury, have  
12 been prescribed hyperbaric oxygen treatment by a health care  
13 practitioner, and voluntarily agree to treatment under the pilot  
14 program.

15 (b) A facility providing medical care to a veteran who is  
16 eligible for hyperbaric oxygen treatment under the pilot program  
17 may apply for reimbursement for treatment under the pilot program.

18 (c) The facility must submit a treatment plan to the  
19 commission before providing treatment under the pilot program. The  
20 treatment plan must include:

21 (1) a prescription order for hyperbaric oxygen  
22 treatment issued by a health care practitioner;

23 (2) verification of facility and veteran eligibility;

24 (3) an estimate of the treatment costs and of the  
25 veteran's necessary travel and living expenses for a veteran  
26 required to travel to obtain the treatment; and

27 (4) any other information required by the commission.

1        (d) The commission shall approve or disapprove a treatment  
2 plan within a reasonable time as established by commission rule.  
3 The commission shall notify the facility whether the treatment plan  
4 was approved or disapproved by the commission.

5        (e) The commission may not approve the provision of  
6 hyperbaric oxygen treatment under the pilot program unless the  
7 facility is in compliance with applicable commission standards and  
8 rules and the veteran is eligible for treatment under the pilot  
9 program.

10       (f) If there is sufficient money in the veterans recovery  
11 account, the commission shall approve each treatment plan that  
12 meets the requirements of this section and the standards adopted  
13 under this chapter.

14       (g) The executive commissioner shall reserve in the  
15 veterans recovery account an amount equal to the estimated  
16 treatment costs and necessary travel and living expenses specified  
17 in the treatment plan for each veteran who is approved for treatment  
18 under the pilot program.

19       Sec. 49.006. PROVISION OF SERVICES; REIMBURSEMENT. (a) A  
20 facility may provide hyperbaric oxygen treatment under the pilot  
21 program to a veteran who has post-traumatic stress disorder or a  
22 traumatic brain injury if the commission approves a treatment plan  
23 under Section 49.005 for the veteran.

24       (b) A facility that elects to provide hyperbaric oxygen  
25 treatment to a veteran under Subsection (a) shall provide the  
26 treatment without charge to the veteran. A veteran receiving  
27 treatment under the pilot program is not liable for the cost of

1 treatment or expenses incurred under the pilot program. The  
2 facility may submit to the commission a request for reimbursement  
3 from the veterans recovery account for expenses incurred for the  
4 treatment.

5 (c) A facility that elects to provide treatment under the  
6 pilot program shall submit to the commission regular reports, in  
7 the form prescribed by the commission, of the veteran's measured  
8 health improvements under the treatment plan.

9 (d) The executive commissioner shall reimburse a facility  
10 for expenses the facility incurred in providing the hyperbaric  
11 oxygen treatment from the veterans recovery account if:

12 (1) the treatment was provided according to the  
13 treatment plan approved by the commission;

14 (2) the expenses do not exceed the amount reserved for  
15 the treatment under Section 49.005; and

16 (3) the facility demonstrates in the reports described  
17 by Subsection (c) that the veteran is making measured health  
18 improvements.

19 (e) If expenses for the treatment exceed funds reserved for  
20 the treatment under Section 49.005, the state and the veterans  
21 recovery account are not liable for the amount in excess of the  
22 reserved funds.

23 (f) A facility may submit a modified treatment plan under  
24 Section 49.005 to request the reservation of funds in addition to  
25 funds reserved under the original treatment plan.

26 (g) From money in the veterans recovery account, the  
27 executive commissioner shall reimburse a veteran required to travel

1 to obtain treatment under the pilot program for the travel and  
2 living expenses approved by the commission in the treatment plan.  
3 The expenses may not exceed the amount reserved for those expenses  
4 under Section 49.005.

5 Sec. 49.007. TERMINATION OF RESERVATION OF FUNDS. (a) If  
6 the facility or veteran fails to request reimbursement for  
7 treatment or for travel and living expenses under the pilot program  
8 for at least six months following the conclusion of treatment, the  
9 commission shall notify the facility and the veteran receiving  
10 treatment under the facility's treatment plan that the funding  
11 reserved for the treatment and expenses will be terminated on the  
12 90th day after the date the commission provides notice under this  
13 subsection unless the facility or veteran notifies the commission  
14 of continued treatment and expenses under the pilot program or  
15 requests reimbursement for the treatment already provided or  
16 expenses already incurred under the pilot program.

17 (b) If a facility or veteran fails to notify the commission  
18 of continued treatment and expenses in the time required under  
19 Subsection (a), the executive commissioner shall terminate the  
20 reservation of funds in the veterans recovery account under the  
21 facility's treatment plan for that veteran.

22 Sec. 49.008. REPORT. Not later than October 1 of each  
23 even-numbered year, the commission shall submit to the governor,  
24 lieutenant governor, speaker of the house of representatives, and  
25 appropriate standing committees of the legislature a report  
26 regarding the pilot program that includes an evaluation of the  
27 effectiveness of the pilot program and the number of veterans and

1 facilities participating in the pilot program.

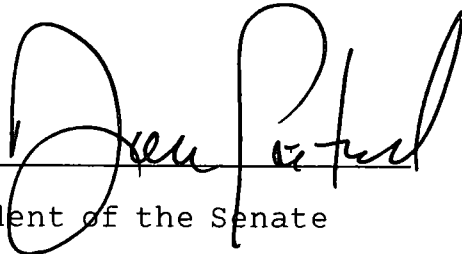
2 Sec. 49.009. EXPIRATION OF CHAPTER. This chapter expires  
3 September 1, 2023. Any remaining balance in the veterans recovery  
4 account on the expiration of this chapter is transferred to the  
5 general revenue fund.

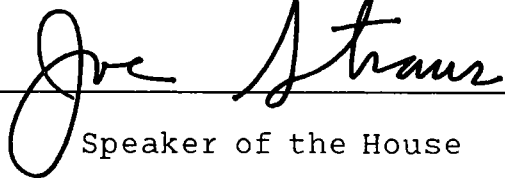
6 SECTION 2. The executive commissioner of the Health and  
7 Human Services Commission shall adopt the rules necessary to  
8 implement Chapter 49, Health and Safety Code, as added by this Act,  
9 not later than January 1, 2018.

10 SECTION 3. This Act takes effect September 1, 2017.



H.B. No. 271

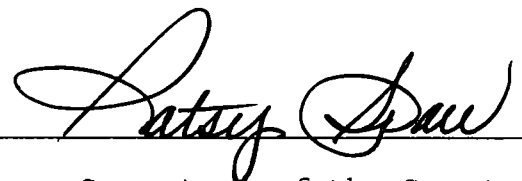
  
\_\_\_\_\_  
President of the Senate

  
\_\_\_\_\_  
Speaker of the House

I certify that H.B. No. 271 was passed by the House on April 12, 2017, by the following vote: Yeas 140, Nays 6, 1 present, not voting; and that the House concurred in Senate amendments to H.B. No. 271 on May 18, 2017, by the following vote: Yeas 139, Nays 0, 2 present, not voting.

  
\_\_\_\_\_  
Chief Clerk of the House

I certify that H.B. No. 271 was passed by the Senate, with amendments, on May 10, 2017, by the following vote: Yeas 29, Nays 1.

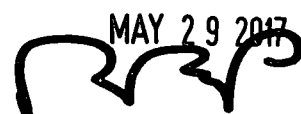
  
\_\_\_\_\_  
Secretary of the Senate

APPROVED: 5-29-2017

Date

  
\_\_\_\_\_  
Governor

FILED IN THE OFFICE OF THE  
SECRETARY OF STATE  
8:00 PM O'CLOCK

MAY 29 2017  
  
\_\_\_\_\_  
Secretary of State

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 85TH LEGISLATIVE REGULAR SESSION**

**May 11, 2017**

**TO:** Honorable Joe Straus, Speaker of the House, House of Representatives

**FROM:** Ursula Parks, Director, Legislative Budget Board

**IN RE: HB271** by Miller (Relating to the establishment of the Veterans Recovery Pilot Program to provide certain veterans with hyperbaric oxygen treatment.), **As Passed 2nd House**

<b>No significant fiscal implication to the State is anticipated.</b>
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The bill would add a chapter to the Health and Safety Code to establish the Veterans Recovery Pilot Program to provide certain veterans with hyperbaric oxygen treatment. The Health and Human Services Commission (HHSC) would be authorized to operate the pilot program, which would provide diagnostic services, hyperbaric oxygen treatment, and support services free of charge to eligible Texas veterans who have post-traumatic stress disorder (PTSD) or a traumatic brain injury. HHSC would be authorized to appoint an advisory board.

The bill would create the Veterans Recovery Account, a dedicated account in the general revenue fund, funded with gifts, grants, donations, and interest earned on funds in the account. Funds in the account would be expended only for administration of the Veterans Recovery Program, including eligible veterans' travel and living expenses, if travel for treatment is necessary. Facilities providing the medical care would be required to submit a treatment plan to be approved by HHSC in order to be eligible for reimbursement. HHSC may not operate the pilot program if there are insufficient funds in the veterans recovery account. HHSC would be required to submit a biennial evaluation of the program to the legislature. The chapter would expire September 1, 2023.

This legislation would do one or more of the following: create or recreate a dedicated account in the General Revenue Fund, create or recreate a special or trust fund either with or outside of the Treasury, or create a dedicated revenue source. The fund, account, or revenue dedication included in this bill would be subject to funds consolidation review by the current Legislature.

Since HHSC may not operate the pilot program if sufficient funds are not available in the Veterans Recovery Account, this analysis assumes the pilot would be operated on an insignificant scale.

**Local Government Impact**

No significant fiscal implication to units of local government is anticipated.

**Source Agencies:** 403 Veterans Commission, 529 Health and Human Services Commission

**LBB Staff:** UP, TBo, KCA, SD, RD, WP, GGo

**LEGISLATIVE BUDGET BOARD**

**Austin, Texas**

**FISCAL NOTE, 85TH LEGISLATIVE REGULAR SESSION**

**May 3, 2017**

**TO:** Honorable Charles Schwertner, Chair, Senate Committee on Health & Human Services

**FROM:** Ursula Parks, Director, Legislative Budget Board

**IN RE: HB271** by Miller (Relating to the establishment of the Veterans Recovery Pilot Program to provide certain veterans with hyperbaric oxygen treatment.), **Committee Report 2nd House, Substituted**

**No significant fiscal implication to the State is anticipated.**

The bill would add a chapter to the Health and Safety Code to establish the Veterans Recovery Pilot Program to provide certain veterans with hyperbaric oxygen treatment. The Health and Human Services Commission (HHSC) would be authorized to operate the pilot program, which would provide diagnostic services, hyperbaric oxygen treatment, and support services free of charge to eligible Texas veterans who have post-traumatic stress disorder (PTSD) or a traumatic brain injury. HHSC would be authorized to appoint an advisory board.

The bill would create the Veterans Recovery Account, a dedicated account in the general revenue fund, funded with gifts, grants, donations, and interest earned on funds in the account. Funds in the account would be expended only for administration of the Veterans Recovery Program, including eligible veterans' travel and living expenses, if travel for treatment is necessary. Facilities providing the medical care would be required to submit a treatment plan to be approved by HHSC in order to be eligible for reimbursement. HHSC may not operate the pilot program if there are insufficient funds in the veterans recovery account. HHSC would be required to submit a biennial evaluation of the program to the legislature. The chapter would expire September 1, 2023.

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Since HHSC may not operate the pilot program if sufficient funds are not available in the Veterans Recovery Account, this analysis assumes the pilot would be operated on an insignificant scale.

**Local Government Impact**

No significant fiscal implication to units of local government is anticipated.

**Source Agencies:** 403 Veterans Commission, 529 Health and Human Services Commission

**LBB Staff:** UP, TBo, KCA, RD, WP, GGo



**LEGISLATIVE BUDGET BOARD**

**Austin, Texas**

**FISCAL NOTE, 85TH LEGISLATIVE REGULAR SESSION**

**May 4, 2017**

**TO:** Honorable Charles Schwertner, Chair, Senate Committee on Health & Human Services

**FROM:** Ursula Parks, Director, Legislative Budget Board

**IN RE: HB271** by Miller (Relating to the establishment of the Veterans Recovery Pilot Program to provide certain veterans with hyperbaric oxygen treatment.), **As Engrossed**

**No significant fiscal implication to the State is anticipated.**

The bill would add a chapter to the Health and Safety Code to establish the Veterans Recovery Pilot Program to provide certain veterans with hyperbaric oxygen treatment. The Health and Human Services Commission (HHSC) would be authorized to operate the pilot program, which would provide diagnostic services, hyperbaric oxygen treatment, and support services free of charge to eligible Texas veterans who have post-traumatic stress disorder (PTSD) or a traumatic brain injury. HHSC would be authorized to appoint an advisory board.

The bill would create the Veterans Recovery Account, a dedicated account in the general revenue fund, funded with gifts, grants, donations, and interest earned on funds in the account. Funds in the account would be expended only for administration of the Veterans Recovery Program, including eligible veterans' travel and living expenses, if travel for treatment is necessary. Facilities providing the medical care would be required to submit a treatment plan to be approved by HHSC in order to be eligible for reimbursement. HHSC may not operate the pilot program if there are insufficient funds in the veterans recovery account. HHSC would be required to submit a biennial evaluation of the program to the legislature. The chapter would expire September 1, 2023.

This legislation would do one or more of the following: create or recreate a dedicated account in the General Revenue Fund, create or recreate a special or trust fund either with or outside of the Treasury, or create a dedicated revenue source. The fund, account, or revenue dedication included in this bill would be subject to funds consolidation review by the current Legislature.

Since HHSC may not operate the pilot program if sufficient funds are not available in the Veterans Recovery Account, this analysis assumes the pilot would be operated on an insignificant scale.

**Local Government Impact**

No significant fiscal implication to units of local government is anticipated.

**Source Agencies:** 403 Veterans Commission, 529 Health and Human Services Commission

**LBB Staff:** UP, KCA, SD, TBo, RD, WP, GGo

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 85TH LEGISLATIVE REGULAR SESSION**

**March 17, 2017**

**TO:** Honorable Four Price, Chair, House Committee on Public Health

**FROM:** Ursula Parks, Director, Legislative Budget Board

**IN RE:** HB271 by Miller (Relating to the establishment of the Veterans Recovery Pilot Program to provide certain veterans with hyperbaric oxygen treatment.), **Committee Report 1st House, Substituted**

**No significant fiscal implication to the State is anticipated.**

The bill would add a chapter to the Health and Safety Code to establish the Veterans Recovery Pilot Program to provide certain veterans with hyperbaric oxygen treatment. The Health and Human Services Commission (HHSC) would be authorized to operate the pilot program, which would provide diagnostic services, hyperbaric oxygen treatment, and support services free of charge to eligible Texas veterans who have post-traumatic stress disorder (PTSD) or a traumatic brain injury. HHSC would be authorized to appoint an advisory board.

The bill would create the Veterans Recovery Account, a dedicated account in the general revenue fund, funded with gifts, grants, donations, and interest earned on funds in the account. Funds in the account would be expended only for administration of the Veterans Recovery Program, including eligible veterans' travel and living expenses, if travel for treatment is necessary. Facilities providing the medical care would be required to submit a treatment plan to be approved by HHSC in order to be eligible for reimbursement. HHSC may not operate the pilot program if there are insufficient funds in the veterans recovery account. HHSC would be required to submit a biennial evaluation of the program to the legislature. The chapter would expire September 1, 2023.

This legislation would do one or more of the following: create or recreate a dedicated account in the General Revenue Fund, create or recreate a special or trust fund either with or outside of the Treasury, or create a dedicated revenue source. The fund, account, or revenue dedication included in this bill would be subject to funds consolidation review by the current Legislature.

Since HHSC may not operate the pilot program if sufficient funds are not available in the Veterans Recovery Account, this analysis assumes the pilot would be operated on an insignificant scale.

**Local Government Impact**

No significant fiscal implication to units of local government is anticipated.

**Source Agencies:** 403 Veterans Commission, 529 Health and Human Services Commission  
**LBB Staff:** UP, KCA, TBo, RD, WP, GGo



**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 85TH LEGISLATIVE REGULAR SESSION**

**March 6, 2017**

**TO:** Honorable Four Price, Chair, House Committee on Public Health

**FROM:** Ursula Parks, Director, Legislative Budget Board

**IN RE: HB271** by Miller (Relating to the establishment of the Veterans Recovery Pilot Program to provide certain veterans with hyperbaric oxygen treatment.), **As Introduced**

<p><b>No significant fiscal implication to the State is anticipated.</b></p>
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The bill would add a chapter to the Health and Safety Code to establish the Veterans Recovery Pilot Program to provide certain veterans with hyperbaric oxygen treatment. The Department of State Health Services (DSHS) would be authorized to operate the pilot program, which would provide diagnostic services, hyperbaric oxygen treatment, and support services free of charge to eligible Texas veterans who have post-traumatic stress disorder (PTSD) or a traumatic brain injury. DSHS would be authorized to appoint an advisory board.

The bill would create the Veterans Recovery Account, a dedicated account in the general revenue fund, funded with gifts, grants, donations, and interest earned on funds in the account. Funds in the account would be expended only for administration of the Veterans Recovery Program, including eligible veterans' travel and living expenses, if travel for treatment is necessary. Facilities providing the medical care would be required to submit a treatment plan to be approved by DSHS in order to be eligible for reimbursement. DSHS may not operate the pilot program if there are insufficient funds in the veterans recovery account. DSHS would be required to submit a biennial evaluation of the program to the legislature. The chapter would expire September 1, 2023.

This legislation would do one or more of the following: create or recreate a dedicated account in the General Revenue Fund, create or recreate a special or trust fund either with or outside of the Treasury, or create a dedicated revenue source. The fund, account, or revenue dedication included in this bill would be subject to funds consolidation review by the current Legislature.

Since DSHS may not operate the pilot program if sufficient funds are not available in the Veterans Recovery Account, this analysis assumes the pilot would be operated on an insignificant scale.

**Local Government Impact**

No significant fiscal implication to units of local government is anticipated.

**Source Agencies:** 403 Veterans Commission, 537 State Health Services, Department of

**LBB Staff:** UP, KCA, EP, RD, GGo, WP