

An Act

ENROLLED SENATE
BILL NO. 1604

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

and

Bennett, Moore, Hardin,
Denney, Kern, Armes, Banz,
Biggs, Billy, Blackwell,
Brown, Brumbaugh, Cannaday,
Casey, Christian,
Cleveland, Cockroft,
Condit, Coody, Cooksey,
Cox, Dank, Derby, DeWitt,
Dorman, Echols, Enns,
Fisher, Floyd, Fourkiller,
Glenn, Grau, Hall,
Hamilton, Henke, Hickman,
Hoskin, Hulbert, Inman,
Jackson, Johnson, Jordan,
Joyner, Kirby, Kouplen,
Lockhart, Martin (Scott),
Martin (Steve), Matthews,
McBride, McCall,
McCullough, McDaniel
(Curtis), McDaniel
(Jeannie), McDaniel
(Randy), McNiel, McPeak, ,
Morrissette, Mulready,
Morphey, Nelson, Newell,
Nollan, O'Donnell, Ortega,
Osborn, Ownbey, Perryman,
Peterson, Pittman, Proctor,
Pruett, Quinn, Renegar,
Reynolds, Ritze, Roberts
(Dustin), Roberts (Sean),
Rousselot, Russ, Sanders,
Schwartz, Scott, Sears,
Shannon, Shelton, Sherrer,
Shoemake, Smalley, Stiles,
Thomsen, Trebilcock,

Turner, Vaughan, Virgin,
Walker, Watson, Wesselhoft,
Williams, Wood and Wright
of the House

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

SUBJECT: Traumatic brain injury treatment

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:

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 cleared by the United States Food and Drug Administration (FDA) or a device with an appropriate FDA-approved investigational device exemption, located at a facility in compliance with applicable state fire codes and supervised in accordance with requirements in the Oklahoma Veterans Traumatic Brain Injury Treatment and Recovery Act of 2014. The treatment shall be delivered solely by authorized, licensed or nationally certified health care providers in accordance with federal and state law.

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

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

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

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

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

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

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

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

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

released and made available to another veteran meeting the requirements of this act.

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

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

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

Passed the Senate the 29th day of April, 2014.

Anthony S. Williams
Presiding Officer of the Senate

Passed the House of Representatives the 17th day of April, 2014.

Mike Jack
Presiding Officer of the House
of Representatives

OFFICE OF THE GOVERNOR

Received by the Office of the Governor this 30th
day of April, 20 14, at 4:42 o'clock P M.
By: Audrey Lockwell

Approved by the Governor of the State of Oklahoma this 6th
day of May, 20 14, at 2:13 o'clock P M.

Mary Fallin
Governor of the State of Oklahoma

OFFICE OF THE SECRETARY OF STATE

Received by the Office of the Secretary of State this 6th
day of May, 20 14, at 2:46 o'clock P M.
By: Chris Benz