

Second Regular Session 120th General Assembly (2018)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2017 Regular Session of the General Assembly.

SENATE ENROLLED ACT No. 96

AN ACT to amend the Indiana Code concerning military and veterans.

Be it enacted by the General Assembly of the State of Indiana:

SECTION 1. IC 10-17-13-3, AS AMENDED BY P.L.217-2017, SECTION 75, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 3. (a) The veterans' affairs trust fund is established as a trust fund to provide a self-sustaining funding source for the military family relief fund established by IC 10-17-12-8. ~~and for the purposes set forth in IC 10-17-13-5:~~

(b) The fund consists of the following:

- (1) Appropriations by the general assembly.
- (2) Donations, gifts, grants, and bequests to the fund.
- (3) Interest and dividends on assets of the funds.
- (4) Money transferred to the fund from other funds.
- (5) Money from any other source deposited in the fund.

(c) The fund is considered a trust fund for purposes of IC 4-9.1-1-7.

SECTION 2. IC 10-17-13.5-4, AS ADDED BY P.L.217-2017, SECTION 76, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 4. (a) The department may make grants to qualified entities to be used for the purpose of providing services to veterans, including the following:

- (1) Programs focused on eliminating homelessness, preventing near term homelessness, and providing safe and secure living conditions.

SEA 96 — CC 1



(2) Assisting veterans in moving from public housing assistance programs to:

- (A) home ownership; or
- (B) stable, long term rental status.

A grant under this chapter for the purpose specified in clause (B) may include up to nine (9) months of rental assistance.

(3) Assisting veterans in finding and using available federal and state resources.

(4) Providing therapeutic services.

(5) Providing job training and job search assistance.

(b) The department may make grants to the provider chosen by the state department of health under section 6 of this chapter to be used for the purpose of providing assistance to the provider to provide diagnostic testing and hyperbaric oxygen treatment to veterans receiving treatment under the pilot program established under section 6 of this chapter. However, a grant under this chapter may not be awarded for the purposes specified in this subsection unless the state department of health has adopted the rules required by section 5 **6(g)** of this chapter. In addition, a grant may not be awarded for the purposes specified in this subsection after the expiration of the pilot program established under section 6 of this chapter.

SECTION 3. IC 10-17-13.5-6, AS ADDED BY P.L.217-2017, SECTION 76, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 6. (a) As used in this section, "hyperbaric oxygen treatment" means treatment for traumatic brain injury or posttraumatic stress disorder that is ordered by a health care provider and delivered in a hyperbaric chamber.

(b) The department shall establish a pilot program for the purpose of providing assistance for ~~the~~ **each** provider that has been approved by the state department of health to provide diagnostic testing and hyperbaric oxygen treatment to veterans receiving treatment under section 4(b) of this chapter.

(c) The state department of health shall issue a request for proposals to select ~~one (1) provider that is eligible~~ **up to five (5) providers that collectively represent the north, south, east, west, and central geographic areas of Indiana** to offer the treatment described in section 4(b) of this chapter.

(d) An individual veteran is eligible to begin treatment if the service related event that caused the traumatic brain injury or posttraumatic stress disorder ~~happened within the past twelve (12) months.~~ **is documented by a licensed physician.**

(e) An individual veteran must pay a co-pay equal to ten percent



(10%) of the cost of treatment billed to the department or the state department of health.

(f) A grant under the pilot program established under subsection (b) may be provided only to the provider chosen by the state department of health to provide diagnostic testing and hyperbaric oxygen treatment to veterans.

(g) The state department of health, after consulting with the department, shall adopt rules under IC 4-22-2 to implement section 4(b) of this chapter, including standards for the following:

(1) Determination by ~~the~~ **a** provider that an individual is a veteran eligible for participation in the **pilot** program.

(2) Determination by the state department of health that ~~the~~ **a** provider is eligible to participate in the **pilot** program, including:

(A) a requirement that the provider must maintain compliance with applicable fire codes, treatment protocols, and state department of health oversight; and

(B) other facility standards determined by the state department of health.

(3) Treatment plan requirements, including the following:

(A) A provider's submission to the state department of health, before providing hyperbaric oxygen treatment to a veteran, of a treatment plan that includes:

(i) a health care provider's prescription for hyperbaric oxygen treatment;

(ii) verification by the provider that the veteran is eligible for participation in the **pilot** program and voluntarily accepts treatment through the **pilot** program;

(iii) an estimate of the cost of the veteran's treatment; and

(iv) any other information required by the state department of health.

(B) A reasonable time frame for:

(i) approval or disapproval by the state department of health of a treatment plan described in clause (A); and

(ii) notice to the provider of approval or disapproval of the treatment plan.

(C) Contingent on sufficient funding available in the fund, approval of each treatment plan that meets the requirements established by the state department of health under this section.

(D) The sources of funding for the estimated treatment cost for each veteran whose treatment plan is approved under this section.



(4) Criteria for approval of payment for treatment that has been verified by the state department of health to have been provided under a treatment plan approved under subdivision (3), including:

(A) whether a drug or device used in the treatment plan has been approved for any purpose by the federal Food and Drug Administration;

(B) health improvement of the veteran receiving the treatment, as demonstrated through:

(i) standardized, independent pretreatment and posttreatment neuropsychological testing;

(ii) nationally accepted survey instruments;

(iii) neurological imaging; or

(iv) clinical examination; and

(C) receipt by the state department of health of pretreatment and posttreatment evaluation documentation.

(5) Confidentiality of all individually identifiable patient information of a veteran. However, subject to the requirements of the federal Health Insurance Portability and Accountability Act and any other applicable medical record laws, all data and information from which the identity of an individual veteran cannot be reasonably ascertained must be available to the general assembly, participating institutional review boards, participating health care providers, medical researchers, and other governmental agencies.

(h) A provider under this section, including a physician who supervises treatment, shall bill the pilot program and be paid at cost out of the grant amount awarded to the provider. No providers may profit from services provided under the pilot program. Services offered under the pilot program are provided as a service to veterans.

(i) Each provider shall quarterly file a status report concerning the services provided by the provider under the pilot program with the following:

(1) The department.

(2) The state department of health.

(j) At the conclusion of the pilot program, the department, in collaboration with the state department of health, shall prepare a written final report and transmit it to the following:

(1) The governor.

(2) The leadership of the legislative council in electronic format under IC 5-14-6.

(3) The chairperson of the house committee on veterans



affairs and public safety.

(4) The chairperson of the senate committee on veterans affairs and the military.

The report required under this subsection must be made available on the department's Internet web site.

~~(h)~~ (k) This section expires June 30, ~~2019~~: 2020.

SECTION 4. IC 10-17-13.5-7 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2018]: **Sec. 7. A provider under section 6 of this chapter, including a physician who supervises treatment, is immune from civil and criminal liability for an act or omission relating to the use of hyperbaric oxygen treatment to treat a veteran under the pilot program, unless the act or omission constitutes gross negligence or willful or wanton misconduct.**

SECTION 5. IC 34-30-2-38.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2018]: **Sec. 38.5. IC 10-17-13.5-7 (Concerning health care providers that provide hyperbaric oxygen, and physicians who supervise treatment, under the pilot program).**

SECTION 6. [EFFECTIVE UPON PASSAGE] (a) The following definitions apply throughout this SECTION:

(1) "Department" refers to the Indiana department of veterans' affairs.

(2) "Pilot program" refers to the pilot program established under IC 10-17-13.5-6 to provide assistance to approved providers that furnish diagnostic testing and hyperbaric oxygen treatment to veterans.

(b) Of the money appropriated to the department in P.L.217-2017, SECTION 8, for other operating expenses beginning July 1, 2017, and ending June 30, 2018, five hundred thousand dollars (\$500,000) is allocated for the pilot program.

(c) Of the money appropriated to the department in P.L.217-2017, SECTION 8, for other operating expenses beginning July 1, 2018, and ending June 30, 2019, five hundred thousand dollars (\$500,000) is allocated for the pilot program.

(d) Subject to subsection (e), appropriated money allocated to the pilot program under subsection (b) and remaining unspent at the end of the state fiscal year ending June 30, 2018:

(1) remains available to the department for the purposes of the pilot program; and

(2) does not revert to the state general fund.

(e) Money appropriated to the department for purposes of the



pilot program for state fiscal years beginning July 1, 2017, and ending June 30, 2019, may not be spent after June 30, 2019. Any unspent money appropriated to the department for the pilot program that remains after June 30, 2019, reverts to the state general fund.

(f) This SECTION expires July 1, 2019.

SECTION 7. An emergency is declared for this act.



President of the Senate

President Pro Tempore

Speaker of the House of Representatives

Governor of the State of Indiana

Date: _____ Time: _____

SEA 96 — CC 1

