

22 RS HCR 40/GA



**GENERAL ASSEMBLY**  
**COMMONWEALTH OF KENTUCKY**

**2022 REGULAR SESSION**

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**HOUSE CONCURRENT RESOLUTION NO. 40**

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**TUESDAY, FEBRUARY 1, 2022**

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*Andy Beshear*

1           A CONCURRENT RESOLUTION urging Kentucky's Congressional delegation to  
2 include Kentucky's Veterans Affairs Medical Centers into the Center for Compassionate  
3 Innovation, a U.S. Department of Veterans Affairs pilot program enabling the use of  
4 hyperbaric oxygen therapy treatment for veterans with a traumatic brain injury or post-  
5 traumatic stress disorder.

6           WHEREAS, the General Assembly values our citizens who are active duty military,  
7 National Guard and Reserve members, and veterans, and recognizes the importance of  
8 ensuring proper treatment for a wide variety of health issues, especially those caused as a  
9 result of their service; and

10          WHEREAS, the signature wounds of Iraq and Afghanistan are traumatic brain  
11 injury (TBI) and post-traumatic stress disorder (PTSD), which affect an estimated  
12 877,450 veterans nationally and 12,800 in Kentucky; and

13          WHEREAS, although TBI and PTSD can result from any number of traumatic  
14 events, the causes for veterans often include roadside bombs, enemy mortar attacks,  
15 convoy attacks, and exchanging gunfire while on foot patrol; and

16          WHEREAS, the United States Congress has mandated significant improvements to  
17 the mental health care provided by the Department of Veterans Affairs including  
18 partnerships with non-federal government entities to provide hyperbaric oxygen therapy  
19 (HBOT) to veterans for treatment of TBI and PTSD; and

20          WHEREAS, published neurological studies and Institutional Review Board trials  
21 have found that HBOT can repair the brain tissue from a TBI and significantly improve  
22 the quality of life of over 95% of patients after HBOT sessions; and

23          WHEREAS, in 2018, Kentucky joined six other states in passing legislation  
24 allowing veterans to receive HBOT for TBI and PTSD; and

25          WHEREAS, Kentucky has several providers capable of providing HBOT services  
26 throughout the state, with approximately 34 Hospital Wound Care Centers equipped with

22 RS HCR 40/GA

1 WHEREAS, the Kentucky veterans program trust fund supported partial funding for  
2 HBOT treatments for TBI and PTSD in 2021; and

3 WHEREAS, the Commander John Scott Hannon Veterans Mental Health Care  
4 Improvement Act of 2019 and numerous other pieces of legislation introduced in  
5 Congress all support HBOT treatment for veterans with TBI and PTSD; and

6 WHEREAS, the VA Mission Act of 2018 states, "the Secretary shall not limit the  
7 types of hospital care, medical services, or extended care services covered veterans may  
8 receive under this section if it is in the best medical interest of the veteran to receive such  
9 hospital care, medical services, or extended services, as determined by the veteran and the  
10 veteran's health care provider"; and

11 WHEREAS, the VA Community Care Program is currently available to veterans  
12 from local community providers outside of the VA when the VA is not able to provide  
13 the care that is needed; and

14 WHEREAS, the Commonwealth of Kentucky values the brave men and women  
15 who have served in the Armed Forces of the United States and the General Assembly  
16 supports and encourages the best available treatment for our veterans in gratitude for their  
17 service;

18 NOW, THEREFORE,

19 *Be it resolved by the House of Representatives of the General Assembly of the*  
20 *Commonwealth of Kentucky, the Senate concurring therein:*

21 ➔Section 1. Kentucky's Congressional delegation is strongly encouraged to  
22 communicate the importance and value of including Kentucky's Veterans Affairs Medical  
23 Centers into the Center for Compassionate Innovation to help veterans with traumatic  
24 brain injuries and post-traumatic stress disorders. Additionally, the VA Community Care  
25 Program should be utilized to contract with eligible community partners to provide  
26 HBOT treatment for veterans within reasonable travel distance, at prescribed Medicare  
27 rates, and pay for this critical care.

22 RS HCR 40/GA

1           ⇒Section 2. The General Assembly urges a review of the medical results in the  
2 VA pilot program in order to improve treatment availability and eliminate current  
3 qualifying criteria that pose a serious obstacle to the majority of VA in-care veterans who  
4 may qualify for hyperbaric oxygen therapy treatment.

5           ⇒Section 3. The Clerk of the House of Representatives is directed to transmit a  
6 copy of this Resolution to all members of the Kentucky Congressional delegation; the  
7 Secretary of the U.S. Department of Veterans Affairs, Denis Richard McDonough; the  
8 Chairman of the U.S. House Committee on Veterans' Affairs, Representative Mark  
9 Takano; and the Chairman of the U.S. Senate Committee on Veterans' Affairs, Senator  
10 Jon Tester.