



March 16, 2021

ENGROSSED SENATE BILL No. 91

DIGEST OF SB 91 (Updated March 11, 2021 5:00 pm - DI 133)

Citations Affected: IC 10-17; noncode.

Synopsis: Hyperbaric oxygen treatment pilot program. Extends the expiration date of the hyperbaric oxygen treatment pilot program for veterans from June 30, 2021, to June 30, 2025. Provides that certain: (1) billing documentation; or (2) attendance documentation; may be used to authenticate the receipt of hyperbaric oxygen treatments for the purpose of payment approval by the department of veterans' affairs. Removes a provision that requires the state department of health to request proposals concerning hyperbaric oxygen treatment from certain geographic areas of Indiana. Specifies that a certain appropriation does not revert to the state general fund until July 1, 2025.

Effective: Upon passage; June 29, 2021.

**Tomes, Boots, Garten, Doriot,
Houchin, Crane, Ford J.D., Qaddoura**
(HOUSE SPONSORS — FRYE R, ZENT, MAYFIELD)

January 5, 2021, read first time and referred to Committee on Veterans Affairs and The Military.

February 2, 2021, reported favorably — Do Pass; reassigned to Committee on Appropriations.

February 18, 2021, reported favorably — Do Pass.

February 22, 2021, read second time, ordered engrossed. Engrossed.

February 23, 2021, read third time, passed. Yeas 49, nays 0.

HOUSE ACTION

March 4, 2021, read first time and referred to Committee on Ways and Means.

March 16, 2021, reported — Do Pass.

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March 16, 2021

First Regular Session of the 122nd General Assembly (2021)

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 2020 Regular Session of the General Assembly.

ENGROSSED SENATE BILL No. 91

A BILL FOR AN ACT to amend the Indiana Code concerning public safety and to make an appropriation.

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

1 SECTION 1. IC 10-17-13.5-6, AS AMENDED BY P.L.156-2019,
2 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JUNE 29, 2021]: Sec. 6. (a) As used in this section, "hyperbaric oxygen
4 treatment" means treatment for traumatic brain injury or posttraumatic
5 stress disorder that is ordered by a health care provider and delivered
6 in a hyperbaric chamber.

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

12 (c) The state department of health shall issue a request for proposals
13 to select up to five (5) providers that collectively represent the north,
14 south, east, west, and central geographic areas of within Indiana to
15 offer the treatment described in section 4(b) of this chapter.

16 (d) An individual veteran is eligible to begin treatment if the service
17 related event that caused the traumatic brain injury or posttraumatic

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- 1 stress disorder is documented by a licensed physician.
- 2 (e) An individual veteran may not be required to pay a co-pay under
3 the pilot program.
- 4 (f) A grant under the pilot program established under subsection (b)
5 may be provided only to the provider chosen by the state department of
6 health to provide diagnostic testing and hyperbaric oxygen treatment
7 to veterans.
- 8 (g) The state department of health, after consulting with the
9 department, shall adopt rules under IC 4-22-2 to implement section
10 4(b) of this chapter, including standards for the following:
- 11 (1) Determination by a provider that an individual is a veteran
12 eligible for participation in the pilot program.
- 13 (2) Determination by the state department of health that a
14 provider is eligible to participate in the pilot program, including:
- 15 (A) a requirement that the provider must maintain compliance
16 with applicable fire codes, treatment protocols, and state
17 department of health oversight; and
- 18 (B) other facility standards determined by the state department
19 of health.
- 20 (3) Treatment plan requirements, including the following:
- 21 (A) A provider's submission to the state department of health,
22 before providing hyperbaric oxygen treatment to a veteran, of
23 a treatment plan that includes:
- 24 (i) a health care provider's prescription for hyperbaric
25 oxygen treatment;
- 26 (ii) verification by the provider that the veteran is eligible
27 for participation in the pilot program and voluntarily accepts
28 treatment through the pilot program;
- 29 (iii) an estimate of the cost of the veteran's treatment; and
30 (iv) any other information required by the state department
31 of health.
- 32 (B) A reasonable time frame for:
- 33 (i) approval or disapproval by the state department of health
34 of a treatment plan described in clause (A); and
- 35 (ii) notice to the provider of approval or disapproval of the
36 treatment plan.
- 37 (C) Contingent on sufficient funding available in the fund,
38 approval of each treatment plan that meets the requirements
39 established by the state department of health under this
40 section.
- 41 (D) The sources of funding for the estimated treatment cost for
42 each veteran whose treatment plan is approved under this



- 1 section.
- 2 (4) Criteria for approval of payment for treatment that has been
- 3 verified by the state department of health to have been provided
- 4 under a treatment plan approved under subdivision (3), including:
- 5 (A) whether a drug or device used in the treatment plan has
- 6 been approved for any purpose by the federal Food and Drug
- 7 Administration; **and**
- 8 (B) **health improvement verification** of the veteran receiving
- 9 the treatment, as demonstrated through:
- 10 (i) ~~standardized; independent pretreatment and~~
- 11 ~~posttreatment neuropsychological testing; billing~~
- 12 **documentation from the provider of the hyperbaric**
- 13 **oxygen therapy treatments; or**
- 14 (ii) ~~nationally accepted survey instruments; attendance~~
- 15 **documentation signed by the provider and treatment**
- 16 **recipient attesting to the receipt of the prescribed**
- 17 **treatments.**
- 18 (iii) ~~neurological imaging; or~~
- 19 (iv) ~~clinical examination; and~~
- 20 (C) ~~receipt by the state department of health of pretreatment~~
- 21 ~~and posttreatment evaluation documentation.~~
- 22 (5) Confidentiality of all individually identifiable patient
- 23 information of a veteran. However, subject to the requirements of
- 24 the federal Health Insurance Portability and Accountability Act
- 25 and any other applicable medical record laws, all data and
- 26 information from which the identity of an individual veteran
- 27 cannot be reasonably ascertained must be available to the general
- 28 assembly, participating institutional review boards, participating
- 29 health care providers, medical researchers, and other
- 30 governmental agencies.
- 31 (h) A provider under this section, including a physician who
- 32 supervises treatment, shall bill the pilot program and be paid at cost out
- 33 of the grant amount awarded to the provider. No providers may profit
- 34 from services provided under the pilot program. Services offered under
- 35 the pilot program are provided as a service to veterans.
- 36 (i) Each provider shall quarterly file a status report concerning the
- 37 services provided by the provider under the pilot program with the
- 38 following:
- 39 (1) The department.
- 40 (2) The state department of health.
- 41 (j) At the conclusion of the pilot program, the department, in
- 42 collaboration with the state department of health, shall prepare a



1 written final report and transmit it to the following:

2 (1) The governor.

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

5 (3) The chairperson of the house committee on veterans affairs
6 and public safety.

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

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

11 (k) This section expires ~~June 30, 2021~~. **June 30, 2025.**

12 SECTION 2. P.L.156-2019, SECTION 2, IS AMENDED TO READ
13 AS FOLLOWS [EFFECTIVE UPON PASSAGE]: (a) The following
14 definitions apply throughout this SECTION:

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

17 (2) "Pilot program" refers to the pilot program established under
18 IC 10-17-13.5-6, as amended by this act, to provide assistance to
19 approved providers that furnish diagnostic testing and hyperbaric
20 oxygen treatment to veterans.

21 (b) Money appropriated to the department in P.L.217-2017,
22 SECTION 8, for purposes of the pilot program for state fiscal years
23 beginning July 1, 2017, and ending June 30, 2019, and remaining
24 unspent at the end of the state fiscal year ending June 30, 2019:

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

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

28 (c) Money appropriated to the department for purposes of the pilot
29 program for state fiscal years beginning July 1, 2017, and ending June
30 30, 2019, may not be spent after June 30, ~~2021~~. **2025.** Any money
31 appropriated to the department for the pilot program that remains
32 unspent after June 30, ~~2021~~, **2025**, reverts to the state general fund.

33 (d) This SECTION expires July 1, ~~2021~~. **2025.**

34 SECTION 3. **An emergency is declared for this act.**



COMMITTEE REPORT

Madam President: The Senate Committee on Veterans Affairs and The Military, to which was referred Senate Bill No. 91, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill DO PASS and be reassigned to the Senate Committee on Appropriations.

(Reference is to SB 91 as introduced.)

TOMES, Chairperson

Committee Vote: Yeas 8, Nays 0

COMMITTEE REPORT

Madam President: The Senate Committee on Appropriations, to which was referred Senate Bill No. 91, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill DO PASS.

(Reference is to SB 91 as printed February 3, 2021.)

MISHLER, Chairperson

Committee Vote: Yeas 12, Nays 0

COMMITTEE REPORT

Mr. Speaker: Your Committee on Ways and Means, to which was referred Senate Bill 91, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

(Reference is to SB 91 as printed February 19, 2021.)

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Committee Vote: Yeas 23, Nays 0

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