

SECOND REGULAR SESSION

HOUSE BILL NO. 2072

101ST GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE SAULS.

3971H.011

DANA RADEMAN MILLER, Chief Clerk

AN ACT

To amend chapter 42, RSMo, by adding thereto one new section relating to alternative treatment options for veterans.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Chapter 42, RSMo, is amended by adding thereto one new section, to be known as section 42.018, to read as follows:

42.018. 1. As used in this section, the following terms mean:

(1) "Eligible patient", a military veteran who meets the requirements of this section;

(2) "Health care facility", the same meaning as provided under section 190.100 or any private hyperbaric oxygen treatment center licensed in this state;

(3) "Health care provider", a licensed physician, a licensed advanced practice registered nurse, or a licensed physician assistant;

(4) "Posttraumatic stress disorder" or "PTSD", a mental health disorder that is developed after having experienced or witnessed a life-threatening event including, but not limited to, military sexual trauma;

(5) "Traumatic brain injury" or "TBI", an acquired injury to the brain. "Traumatic brain injury" does not include brain dysfunction caused by congenital or degenerative disorders or birth trauma.

2. The veterans commission may contract with public or private institutions of higher education in this state, or public or private clinics or hospitals, to furnish alternative treatment options for veterans who have been certified by the United States Department of Veterans Affairs, any branch of the United States Armed Forces, or any

EXPLANATION — Matter enclosed in bold-faced brackets ~~thus~~ in the above bill is not enacted and is intended to be omitted from the law. Matter in bold-face type in the above bill is proposed language.

18 state-licensed physician as having a traumatic brain injury or posttraumatic stress
19 disorder. The institution of higher education shall manage, monitor, and ensure the
20 compliance of contracted providers of any of the following alternative treatment
21 options:

22 (1) Accelerated resolution therapy;

23 (2) Equine therapy;

24 (3) Hyperbaric oxygen therapy, which shall be provided at a registered and
25 licensed hyperbaric oxygen facility;

26 (4) Music therapy; or

27 (5) Service animal training therapy.

28 3. A veteran qualifies to receive alternative treatment under this section if he or
29 she:

30 (1) Has been diagnosed, by a health care practitioner, with service-connected
31 posttraumatic stress disorder or a service-connected traumatic brain injury; and

32 (2) Voluntarily agrees to such alternative treatment.

33 4. (1) The provision of alternative treatment shall be under the direction and
34 supervision of an individual licensed in this state to perform such alternative treatment.

35 (2) The supervising licensed provider shall agree to cooperate with the veterans
36 commission to provide data sufficient to assess the efficacy of alternative treatment
37 modalities. Acceptable data may include, but shall not be limited to, institutional review
38 board clinical trial data, pretreatment and posttreatment MRI brain scans, cognitive
39 testing such as the RightEye testing approved by the United States Food and Drug
40 Administration, Automated Neuropsychological Assessment Metrics (ANAM) approved
41 by the United States Department of Defense, and CNS Vital Signs (CNSVS) metrics.

42 5. (1) A health care provider or health care facility shall make hyperbaric
43 oxygen therapy available to an eligible patient who has requested such therapy under
44 the provisions of this subsection.

45 (2) Such a health care provider or health care facility may:

46 (a) Provide the hyperbaric oxygen therapy without receiving compensation;

47 (b) Require an eligible patient to pay for the cost of the hyperbaric oxygen
48 therapy and any associated costs, at a rate that shall not exceed the maximum rate
49 allowed by Medicare; or

50 (c) Allow an eligible patient to utilize alternative sources of funding to cover the
51 cost of the hyperbaric oxygen therapy and any associated costs. Such alternative
52 sources of funding may include, but shall not be limited to, gifts, grants, donations,
53 reimbursements from federal programs, and contributions from third parties. The

54 eligible patient shall remain liable to the health care provider or health care facility for
55 any portion of costs not covered by alternative sources of funding.

56 (3) Notwithstanding any provision of law to the contrary, an eligible patient shall
57 be entitled to receive hyperbaric oxygen therapy under this subsection if the eligible
58 patient:

59 (a) Has received a diagnosis of PTSD or TBI;

60 (b) Has received an official recommendation for hyperbaric oxygen therapy
61 from the health care provider that treats the eligible patient; and

62 (c) Resides in this state.

63 6. A licensing board shall not revoke, suspend, or fail to renew the license of a
64 health care provider, or take any other punitive action against a health care provider,
65 based on a recommendation or counseling by the health care provider relating to access
66 to or treatment with a hyperbaric oxygen chamber for an eligible patient.

67 7. No person acting on behalf of this state shall block or attempt to block an
68 eligible patient from receiving access to hyperbaric oxygen treatment.

69 8. No person shall impose restrictions on access to hyperbaric oxygen therapy
70 greater than the restrictions imposed under this section and any other applicable
71 provisions of law.

72 9. (1) There is hereby created in the state treasury the "Hyperbaric Oxygen
73 Therapy for Military Veterans Fund", which shall consist of moneys collected under this
74 subsection. The state treasurer shall be custodian of the fund. In accordance with
75 sections 30.170 and 30.180, the state treasurer may approve disbursements. The fund
76 shall be a dedicated fund and, upon appropriation, moneys in the fund shall be used
77 solely for the purposes described under subdivision (2) of this subsection.

78 (2) (a) Moneys in the fund shall be used by the hyperbaric oxygen therapy
79 advisory committee, established under paragraph (b) of this subdivision, to provide:

80 a. Financial assistance to eligible patients for hyperbaric oxygen therapy; and

81 b. Direct incentives for third parties to provide financial assistance to eligible
82 patients for hyperbaric oxygen therapy.

83 (b) a. There is hereby established the "Hyperbaric Oxygen Therapy Advisory
84 Committee", which shall consist of a team of volunteer members to be appointed by the
85 governor of this state. The committee shall include, but shall not be limited to, active or
86 retired members of the Armed Forces, physicians, medical experts, and nonmedical
87 experts in relevant fields related to medicine. The terms of the committee members
88 shall be set by the governor upon their appointment to the committee. The committee
89 members shall serve at the pleasure of the governor and may be removed from the
90 committee by the governor for any reason.

91 **b. The hyperbaric oxygen therapy advisory committee shall:**

92 **(i) Regularly determine how to award moneys in the fund according to the**
93 **provisions of paragraph (a) of this subdivision;**

94 **(ii) Create and maintain an application for eligible patients to apply for financial**
95 **assistance for hyperbaric oxygen therapy;**

96 **(iii) Make recommendations to the governor, as necessary, relating to the use of**
97 **hyperbaric oxygen therapy by military veterans; and**

98 **(iv) Submit an annual report to the governor detailing the financial status of the**
99 **fund and the demographic information of the persons to whom financial assistance has**
100 **been awarded from the fund.**

101 **(3) Notwithstanding the provisions of section 33.080 to the contrary, any moneys**
102 **remaining in the fund at the end of the biennium shall not revert to the credit of the**
103 **general revenue fund.**

104 **(4) The state treasurer shall invest moneys in the fund in the same manner as**
105 **other funds are invested. Any interest and moneys earned on such investments shall be**
106 **credited to the fund.**

107 **10. No later than January first of each year, beginning in 2023, the veterans**
108 **commission shall prepare a report detailing each alternative treatment provided under**
109 **this section, the provider type, the number of veterans served, and the treatment**
110 **outcomes and shall submit the report to the governor, the president pro tempore of the**
111 **senate, and the speaker of the house of representatives.**

112 **11. The department of public safety may promulgate all necessary rules and**
113 **regulations for the implementation of this section. Any rule or portion of a rule, as that**
114 **term is defined in section 536.010, that is created under the authority delegated in this**
115 **section shall become effective only if it complies with and is subject to all of the**
116 **provisions of chapter 536 and, if applicable, section 536.028. This section and chapter**
117 **536 are nonseverable, and if any of the powers vested with the general assembly**
118 **pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul**
119 **a rule are subsequently held unconstitutional, then the grant of rulemaking authority**
120 **and any rule proposed or adopted after August 28, 2022, shall be invalid and void.**

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