

SENATE BILL NO. 664

103RD GENERAL ASSEMBLY

INTRODUCED BY SENATOR BRATTIN.

2619S.01H

KRISTINA MARTIN, Secretary

AN ACT

To amend chapter 191, RSMo, by adding thereto seven new sections relating to alternative therapies for veterans.

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

Section A. Chapter 191, RSMo, is amended by adding thereto
2 seven new sections, to be known as sections 191.2600, 191.2605,
3 191.2610, 191.2615, 191.2620, 191.2625, and 191.2630, to read
4 as follows:

191.2600. Sections 191.2600 to 191.2630 shall be known
2 and may be cited as the "Veterans Traumatic Brain Injury
3 Treatment and Recovery Act".

191.2605. As used in sections 191.2600 to 191.2630,
2 unless the context indicates otherwise, the following terms
3 mean:

- 4 (1) "Alternative therapies", any therapies for a
5 condition that are not considered the standard or
6 conventional therapies for that condition including, but not
7 limited to, hyperbaric oxygen therapy;
- 8 (2) "Commission", the Missouri veterans' commission;
- 9 (3) "Facility", a public or private health clinic,
10 outpatient health clinic, community health center, hospital,
11 or other facility authorized under rules of the department
12 of health and senior services to provide hyperbaric oxygen
13 therapy under sections 191.2600 to 191.2630;

14 (4) "Fund", the veterans traumatic brain injury
15 treatment and recovery fund established in section 191.2615;

16 (5) "Health care practitioner", a person who is
17 licensed to provide medical or other health care in this
18 state and who has prescriptive authority including, but not
19 limited to, a physician;

20 (6) "Hyperbaric oxygen therapy" or "therapy",
21 treatment for posttraumatic stress disorder or traumatic
22 brain injury that is based on a valid prescription from a
23 health care practitioner and that is delivered through:

24 (a) A hyperbaric chamber approved by the United States
25 Food and Drug Administration; or

26 (b) A hyperbaric oxygen device that is approved by the
27 United States Food and Drug Administration;

28 (7) "Physician", a person licensed to practice
29 medicine in this state under chapter 334;

30 (8) "Posttraumatic stress disorder", a mental health
31 condition that is triggered by a terrifying event, such as
32 by either experiencing or witnessing a life-threatening
33 event, including, but not limited to, military sexual
34 trauma, or as a secondary sequela to body trauma;

35 (9) "Traumatic brain injury", an acquired injury to
36 the brain. The term "traumatic brain injury" does not
37 include brain dysfunction caused by a congenital or
38 degenerative disorder or birth trauma;

39 (10) "Veteran", any person defined as a veteran by the
40 United States Department of Veterans Affairs or its
41 successor agency.

 191.2610. Any facility in this state that provides
2 hyperbaric oxygen therapy to a veteran shall be eligible for
3 reimbursement for such therapy from the commission if the
4 following conditions are satisfied:

5 (1) The veteran receiving the therapy has been
6 diagnosed, by a health care practitioner, with posttraumatic
7 stress disorder or a traumatic brain injury and has
8 demonstrated that he or she previously sought services for
9 posttraumatic stress disorder or a traumatic brain injury
10 through the Veterans Health Administration service delivery
11 system or, if available to the veteran, through the private
12 health insurance system;

13 (2) The veteran receiving the therapy voluntarily
14 agreed to the therapy;

15 (3) The facility complies with applicable fire codes,
16 oversight requirements, and any treatment protocols required
17 under sections 191.2600 to 191.2630;

18 (4) The veteran receiving the therapy resides within
19 this state;

20 (5) Any hyperbaric chamber used to treat the veteran
21 meets the minimum standards for patients established by the
22 United States Food and Drug Administration;

23 (6) The facility complies with the federal Health
24 Insurance and Portability Accountability Act of 1996 for the
25 veteran receiving the therapy;

26 (7) The facility's treatment protocols for hyperbaric
27 oxygen therapy are aligned with the medical standards
28 demonstrated in published clinical trials for hyperbaric
29 oxygen therapy that occurred under the direction of an
30 institutional review board;

31 (8) The hyperbaric oxygen therapy is delivered solely
32 by health care practitioners in accordance with federal and
33 state law;

34 (9) Before providing hyperbaric oxygen therapy to the
35 veteran, the facility established a treatment plan

36 consistent with the requirements of sections 191.2600 to
37 191.2630;

38 (10) A prescription order for hyperbaric oxygen
39 therapy was issued by a health care practitioner before the
40 facility provided the therapy;

41 (11) The facility verified that both the facility and
42 the veteran met the requirements under sections 191.2600 to
43 191.2630 for reimbursement before proceeding with the
44 therapy;

45 (12) Before providing the therapy, the facility
46 estimated the costs of the therapy, including the costs of
47 cognitive testing to be conducted before and after the
48 therapy;

49 (13) The facility retains in the veteran's health care
50 file information on the type of cognitive testing performed
51 as well as the results of the cognitive testing;

52 (14) The veteran is not charged or billed for the
53 therapy by the facility or any other entity and is not
54 liable for the costs of the therapy or any expenses incurred
55 in accordance with sections 191.2600 to 191.2630;

56 (15) The facility and any health care practitioners
57 involved in the hyperbaric oxygen therapy agree to cooperate
58 with the commission to provide an annual data summary
59 treatment report sufficient to assess the efficacy of
60 alternative treatment modalities for treating veterans with
61 posttraumatic stress disorder and traumatic brain injuries;
62 and

63 (16) The facility receives advance approval from the
64 commission as described in section 191.2615.

191.2615. 1. (1) There is hereby created in the
2 state treasury the "Veterans Traumatic Brain Injury
3 Treatment and Recovery Fund". The fund shall consist of any

4 appropriations, gifts, bequests, or public or private
5 donations to such fund. The state treasurer shall be
6 custodian of the fund. In accordance with sections 30.170
7 and 30.180, the state treasurer may approve disbursements.
8 The fund shall be a dedicated fund and, upon appropriation,
9 moneys in this fund shall be used solely for reimbursements
10 to facilities for hyperbaric oxygen therapy provided to
11 veterans, for administrative expenses incurred by the
12 commission in distributing such reimbursements, and for
13 studies on the use of alternative therapies to treat
14 veterans with posttraumatic stress disorder and traumatic
15 brain injuries.

16 (2) Notwithstanding the provisions of section 33.080
17 to the contrary, any moneys remaining in the fund at the end
18 of the biennium shall not revert to the credit of the
19 general revenue fund.

20 (3) The state treasurer shall invest moneys in the
21 fund in the same manner as other funds are invested. Any
22 interest and moneys earned on such investments shall be
23 credited to the fund.

24 2. Any facility that intends to seek reimbursement
25 from the fund for hyperbaric oxygen therapy provided to a
26 veteran shall request advance approval from the commission
27 for reimbursement before providing such therapy. Upon
28 approval by the commission, the commission shall set aside
29 the appropriate amount of funds to ensure full payment for
30 the veteran's therapy. If moneys remaining in the fund are
31 insufficient to ensure full payment, the commission shall
32 deny the facility's request for advance approval.

33 3. If at the end of the six-month period immediately
34 following the date the commission approved the facility's
35 request for advance approval the facility has not submitted

36 any bills to the commission for the veteran or provided any
37 therapy for the veteran, the commission shall notify the
38 veteran and the facility that the funding reserved for the
39 veteran shall expire within thirty days if the facility
40 fails to notify the commission that therapy is scheduled or
41 continued. If the facility fails to notify the commission
42 that therapy is scheduled or continued within thirty days,
43 the commission shall release the funds reserved for the
44 veteran and make them available for another veteran's
45 therapy under sections 191.2600 to 191.2630.

46 4. After receiving advance approval from the
47 commission and providing hyperbaric oxygen therapy to a
48 veteran in accordance with sections 191.2600 to 191.2630,
49 the facility shall not bill the veteran for the therapy but
50 shall submit the bill for the therapy to the commission.

51 5. The commission shall pay the bill for the therapy
52 received in accordance with subsection 4 of this section
53 from the fund within forty-five days of receipt. If the
54 costs of the therapy exceed the availability of moneys
55 remaining in the fund, the facility shall not hold the
56 veteran responsible for any payment, and the commission
57 shall not have any obligation to make payments to the
58 facility in an amount that exceeds the amount that was set
59 aside upon advance approval as described in subsection 2 of
60 this section.

61 6. The commission shall seek reimbursement for
62 payments made to facilities for treating veterans with
63 hyperbaric oxygen therapy from any of the following entities
64 based on the efficacy of treatments as demonstrated in the
65 healing of traumatic brain injuries through hyperbaric
66 oxygen therapy by cognitive testing, brain scans, or other
67 assessment protocols medically accepted by the United States

68 Food and Drug Administration or the United States Department
69 of Defense under the War Risk Insurance Act, as amended:

70 (1) The Tricare program of the United States
71 Department of Defense;

72 (2) Appropriate federal agencies, including the
73 Veterans Health Administration; and

74 (3) Any other responsible third-party payer.

75 7. The department of health and senior services shall
76 award funds to entities to study the use of alternative
77 therapies to treat veterans with posttraumatic stress
78 disorder and traumatic brain injuries.

191.2620. 1. Any facility may approve hyperbaric
2 oxygen therapy for a veteran in accordance with sections
3 191.2600 to 191.2630.

4 2. A licensing board shall not revoke, fail to renew,
5 suspend, or take any action against a health care
6 practitioner based solely on the health care practitioner's
7 recommendations to a veteran regarding access to or
8 treatment with hyperbaric oxygen therapy.

9 3. No state agency shall take any action, or assist in
10 any action, against a health care practitioner's Medicare or
11 Medicaid certification based solely on the health care
12 practitioner's recommendation that a veteran have access to
13 hyperbaric oxygen therapy.

14 4. No official, employee, or agent of the state shall
15 block or attempt to block access to hyperbaric oxygen
16 therapy by a veteran who meets all requirements to receive
17 such therapy under sections 191.2600 to 191.2630.

18 5. Counseling, advice, or recommendations provided by
19 a health care practitioner consistent with the medical
20 standards of care shall not be considered a violation of
21 sections 191.2600 to 191.2630.

22 6. Hyperbaric oxygen therapy may be used under the
23 direction of an institutional review board with a national
24 clinical trial number for the purpose of collecting clinical
25 trial data.

 191.2625. 1. Any facility that receives reimbursement
2 from the fund shall:

3 (1) Provide reports on individual veterans and groups
4 of veterans to the commission on measured health
5 improvements from accepted and approved cognitive testing
6 protocols, brain imaging, or other medical assessments
7 approved by the industry, the United States Food and Drug
8 Administration, the United States Department of Defense,
9 Tricare, or the Centers for Medicare and Medicaid Services
10 conducted before and after therapy; and

11 (2) Submit an annual report to the commission with the
12 following information:

13 (a) The number of veterans who received hyperbaric
14 oxygen therapy at the facility;

15 (b) The demographics of the veterans who received
16 hyperbaric oxygen therapy at the facility;

17 (c) The number of actual hyperbaric oxygen therapy
18 dives by veterans completed at the facility;

19 (d) Cognitive test results of veterans who received
20 hyperbaric oxygen therapy at the facility; and

21 (e) Any testimonials provided by veterans voluntarily.

22 2. (1) Before January first each year, the commission
23 shall prepare a report detailing each treatment of
24 hyperbaric oxygen therapy provided to a veteran in
25 accordance with sections 191.2600 to 191.2630, the provider
26 type for each treatment provided, the number of veterans
27 treated or served, the treatment outcomes for the veterans
28 treated or served, and a detailed accounting of the moneys

29 used in the fund during the immediately preceding fiscal
30 year.

31 (2) The commission shall submit the report prepared
32 under subdivision (1) of this subsection to the governor,
33 the president pro tempore of the senate, the speaker of the
34 house of representatives, and the director of the department
35 of health and senior services.

36 3. Before January thirtieth each year, the department
37 of health and senior services shall submit to the governor a
38 report containing:

39 (1) Findings and recommendations related to the
40 administration of sections 191.2600 to 191.2630;

41 (2) Findings and recommendations from any studies
42 funded under section 191.2615 regarding the efficacy of
43 alternative therapies to treat posttraumatic stress disorder
44 and traumatic brain injuries; and

45 (3) Recommendations on budgetary, legislative, or
46 regulatory changes needed to expand access to alternative
47 therapies for veterans with posttraumatic stress disorder
48 and traumatic brain injuries.

191.2630. The commission and the department of health
2 and senior services shall jointly promulgate all necessary
3 rules and regulations for the administration of sections
4 191.2600 to 191.2630. Any rule or portion of a rule, as
5 that term is defined in section 536.010, that is created
6 under the authority delegated in this section shall become
7 effective only if it complies with and is subject to all of
8 the provisions of chapter 536 and, if applicable, section
9 536.028. This section and chapter 536 are nonseverable and
10 if any of the powers vested with the general assembly
11 pursuant to chapter 536 to review, to delay the effective
12 date, or to disapprove and annul a rule are subsequently

13 held unconstitutional, then the grant of rulemaking
14 authority and any rule proposed or adopted after August 28,
15 2025, shall be invalid and void.

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