

IC 10-17-13.5-6 Diagnostic testing and hyperbaric oxygen treatment pilot program; expiration June 30, 2021

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 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 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 is documented by a licensed physician.

(e) An individual veteran may not be required to pay a co-pay under the pilot program.

(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 a provider that an individual is a veteran eligible for participation in the pilot program.

(2) Determination by the state department of health that 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.

(k) This section expires June 30, 2021.