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SENATE BILL NO. 873

Offered January 14, 2015

Prefiled January 7, 2015

A *BILL to amend the Code of Virginia by adding in Title 32.1 a chapter numbered 17, consisting of sections numbered 32.1-370, 32.1-371, and 32.1-372, relating to the Virginia Veterans Recovery Program.*

Patrons—Cosgrove and Ruff

Referred to Committee on Education and Health

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding in Title 32.1 a chapter numbered 17, consisting of sections numbered 32.1-370, 32.1-371, and 32.1-372, as follows:

CHAPTER 17.**VIRGINIA VETERANS RECOVERY PROGRAM.****§ 32.1-370. Definitions.**

As used in this chapter, unless the context requires a different meaning:

"Department" means the Department of Medical Assistance Services.

"Director" means the Director of the Department of Medical Assistance Services.

"Fund" means the Virginia Veterans Recovery Fund established by § 32.1-371.

"Health care policy" means any health care plan, subscription contract, evidence of coverage, certificate, health services plan, medical or hospital services plan, accident and sickness insurance policy or certificate, or other similar certificate, policy, contract, or arrangement, and any endorsement or rider thereto, offered, arranged, issued, or administered by a health insurer to an individual or a group contract holder to cover all or a portion of the cost of individuals, or their eligible dependents, receiving covered health care services. "Health care policy" includes coverages issued pursuant to (i) Chapter 28 (§ 2.2-2800 et seq.) of Title 2.2 (state employees), (ii) § 2.2-1204 (local choice), (iii) 5 U.S.C. § 8901 et seq. (federal employees), and (iv) an employee welfare benefit plan as defined in 29 U.S.C. § 1002(1) of the Employee Retirement Income Security Act of 1974 that is self-insured or self-funded.

"Hyperbaric oxygen treatment" means treatment for post-traumatic stress disorder or traumatic brain injury delivered in (i) a hyperbaric chamber approved by the U.S. Food and Drug Administration or (ii) a hyperbaric oxygen device that is approved by the U.S. Food and Drug Administration for investigational use under the direction of an institutional review board with a national clinical trial number.

"Program" means the Virginia Veterans Recovery Program.

§ 32.1-371. Virginia Veterans Recovery Fund.

A. There is hereby created in the state treasury a special nonreverting fund to be known as the Virginia Veterans Recovery Fund, referred to in this section as "the Fund." The Fund shall be established on the books of the Comptroller. All funds as may be appropriated by the General Assembly; any gifts, grants, or donations from public or private sources; reimbursement received from coverages issued pursuant to Title XVIII of the Social Security Act, 42 U.S.C. § 1395 et seq. (Medicare), Title XIX of the Social Security Act, 42 U.S.C. § 1396 et seq. (Medicaid), or 10 U.S.C. § 1071 et seq. (TRICARE); other federal programs; or any other health care policy shall be paid into the state treasury and credited to the Fund. Interest earned on moneys in the Fund shall remain in the Fund and be credited to it. Any moneys remaining in the Fund, including interest thereon, at the end of each fiscal year shall not revert to the general fund but shall remain in the Fund. Moneys in the Fund shall be used solely for the purposes of providing diagnostic services, hyperbaric oxygen treatment, and support services to eligible veterans diagnosed with post-traumatic stress disorder or a traumatic brain injury. Expenditures and disbursements from the Fund shall be made by the State Treasurer on warrants issued by the Comptroller upon written request signed by the Director.

B. The Director shall report annually no later than December 1 to the Governor, the Chairmen of the Senate Finance and House Appropriations Committees, and the Joint Commission on Health Care on the status of the Fund, use of moneys contained in the Fund, and any issues related to the Fund.

§ 32.1-372. Virginia Veterans Recovery Program.

A. There is hereby established the Virginia Veterans Recovery Grant Program (the Program) for the purpose of providing diagnostic services, hyperbaric oxygen treatment, and support services to eligible veterans diagnosed with post-traumatic stress disorder or a traumatic brain injury. Beginning January

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59 1, 2016, any licensed health care facility in the Commonwealth that provides medical care to a veteran
60 who resides in Virginia and is eligible for hyperbaric oxygen treatment may apply for reimbursement for
61 the costs of such treatment. An applicant shall submit to the Department a treatment plan for approval.
62 Such plan shall include (i) a prescription order for the hyperbaric oxygen treatment issued by a
63 prescriber as defined in § 54.1-3401, (ii) verification of facility and veteran eligibility, (iii) an estimate
64 of the costs of treatment and of any necessary travel and living expenses for a veteran who is required
65 to travel to receive treatment, and (iv) any other information required by the Department.

66 B. Any veteran who (i) resides in Virginia, (ii) has been diagnosed with post-traumatic stress
67 disorder or a traumatic brain injury, (iii) has been prescribed hyperbaric oxygen treatment, and (iv) has
68 agreed to receive hyperbaric oxygen treatment shall be eligible to receive treatment under the Program.

69 C. Any facility providing treatment under the Program shall provide treatment to the veteran at no
70 cost to the veteran and shall make regular reports to the Department of the veteran's measured health
71 improvement.

72 D. The Director shall reimburse a facility for the expenses the facility incurred in providing any
73 treatment under the treatment plan and shall reimburse a veteran for any necessary travel and living
74 expenses if he is required to travel to receive treatment.

75 E. The Director shall reserve in the fund an amount equal to the estimated treatment costs and
76 necessary travel and living expenses specified in the treatment plan for each veteran that is approved
77 under the Program.

78 F. The Director shall seek reimbursement for payments made under the Program from any entity that
79 is the issuer or sponsor of coverages issued pursuant to Title XVIII of the Social Security Act, 42 U.S.C.
80 § 1395 et seq. (Medicare), Title XIX of the Social Security Act, 42 U.S.C. § 1396 et seq. (Medicaid), or
81 10 U.S.C. § 1071 et seq. (TRICARE), other federal programs, or any other health care policy.

82 G. The Department shall establish general requirements for applying to and qualifying for the
83 Program.