217.936 Written informed consent required for hyperbaric oxygen therapy treatment.

(1) A veteran or a veteran's legal guardian shall provide written informed consent for treatment with hyperbaric oxygen therapy in order to receive HBOT to treat traumatic brain injury.

(2) At a minimum, the written informed consent shall include:

(a) An explanation of the currently approved products and treatments for the traumatic brain injury from which the veteran suffers;

(b) A description of the potentially best and worst outcomes of using hyperbaric oxygen therapy and a realistic description of the most likely outcome;

(c) A statement that the veteran's health plan or third-party administrator and provider shall not be obligated to pay for any care or treatments consequent to the use of hyperbaric oxygen therapy unless they are specifically required to do so by law or contract; and

(d) A statement that the veteran understands that the patient shall be liable for all expenses related to the use of hyperbaric oxygen therapy.

(3) The description of potential outcomes required under subsection (2)(b) of this section shall:

(a) Include the possibility that new, unanticipated, different, or worse symptoms may result and that the proposed treatment may hasten death; and

(b) Be based on the treating health care provider's knowledge of the proposed treatment in conjunction with an awareness of the veteran's condition.

(4) The written informed consent shall be:

(a) Signed by:

1. The veteran; or

2. A legal guardian, if a guardian has been appointed for the veteran; and

(b) Attested to by the veteran's treating health care provider and a witness.

Effective: July 14, 2018

History: Created 2018 Ky. Acts ch. 14, sec. 4, effective July 14, 2018.

Legislative Research Commission Note (7/14/2018). 2018 Ky. Acts ch. 14, sec. 8, provides that 2018 Ky. Acts ch. 14 may be known as the "Colonel Ron Ray Veterans Traumatic Brain Injury Treatment Act." This statute was created in Section 4 of that Act.