

1 AN ACT relating to hyperbaric oxygen therapy.

2 ***Be it enacted by the General Assembly of the Commonwealth of Kentucky:***

3 ➔Section 1. KRS 217.934 is amended to read as follows:

4 A veteran shall be an eligible patient for hyperbaric oxygen therapy if he or she has:

- 5 (1) A diagnosis of traumatic brain injury ***or post-traumatic stress disorder*** that is  
6 attested to by the patient's treating health care provider;
- 7 (2) A prescription for hyperbaric oxygen therapy written by his or her treating health  
8 care provider; and
- 9 (3) Given written informed consent for the use of HBOT in accordance with KRS  
10 217.936.

11 ➔Section 2. KRS 217.936 is amended to read as follows:

- 12 (1) A veteran or a veteran's legal guardian shall provide written informed consent for  
13 treatment with hyperbaric oxygen therapy in order to receive HBOT to treat  
14 traumatic brain injury ***or post-traumatic stress disorder***.
- 15 (2) At a minimum, the written informed consent shall include:
- 16 (a) An explanation of the currently approved products and treatments for the  
17 traumatic brain injury ***or post-traumatic stress disorder*** from which the  
18 veteran suffers;
- 19 (b) A description of the potentially best and worst outcomes of using hyperbaric  
20 oxygen therapy and a realistic description of the most likely outcome;
- 21 (c) A statement that the veteran's health plan or third-party administrator and  
22 provider shall not be obligated to pay for any care or treatments consequent to  
23 the use of hyperbaric oxygen therapy unless they are specifically required to  
24 do so by law or contract; and
- 25 (d) A statement that the veteran understands that the patient shall be liable for all  
26 expenses related to the use of hyperbaric oxygen therapy.
- 27 (3) The description of potential outcomes required under subsection (2)(b) of this

1 section shall:

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

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

6 (4) The written informed consent shall be:

7 (a) Signed by:

8 1. The veteran; or

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

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