

1 AN ACT relating to veteran treatment for post-traumatic stress disorder.

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

3 ➔Section 1. KRS 217.930 is amended to read as follows:

4 As used in KRS 217.930 to 217.942:

- 5 (1) "Eligible patient" means a veteran who meets the requirements of KRS 217.934;
- 6 (2) "Health care provider" means a licensed physician, a licensed advanced practice
7 registered nurse, or a licensed physician assistant;
- 8 (3) "Health facility" has the same meaning as in KRS 216B.015;
- 9 (4) "Hyperbaric oxygen therapy" or "HBOT" means inhalation of one hundred percent
10 (100%) oxygen in a total body chamber, where atmospheric pressure is increased
11 and controlled, applicable to the prevention, treatment, or cure of a disease or
12 condition of human beings;
- 13 (5) **"Post-traumatic stress disorder" means a mental health condition caused by an**
14 **extremely stressful or terrifying event that is diagnosed by a qualified mental**
15 **health care provider using criteria as set out in the most recent edition of the**
16 **American Psychiatric Association's Diagnostic and Statistical Manual of Mental**
17 **Disorders;**
- 18 ~~(6)~~ "Traumatic brain injury" has the same meaning as in KRS 211.470;
- 19 ~~(7)~~~~(6)~~ "Veteran" has the same meaning as in KRS 40.010; and
- 20 ~~(8)~~~~(7)~~ "Written informed consent" means a written document that meets the
21 requirements of KRS 217.936.

22 ➔Section 2. KRS 217.934 is amended to read as follows:

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

- 24 (1) A diagnosis of traumatic brain injury **or post-traumatic stress disorder** that is
25 attested to by the patient's treating health care provider;
- 26 (2) A prescription for hyperbaric oxygen therapy written by his or her treating health
27 care provider; and

1 (3) Given written informed consent for the use of HBOT in accordance with KRS
2 217.936.

3 ➔Section 3. KRS 217.936 is amended to read as follows:

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

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

8 (a) An explanation of the currently approved products and treatments for the
9 traumatic brain injury or post-traumatic stress disorder from which the
10 veteran suffers;

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

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

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

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

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

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

25 (4) The written informed consent shall be:

26 (a) Signed by:

27 1. The veteran; or

- 1 2. A legal guardian, if a guardian has been appointed for the veteran; and
- 2 (b) Attested to by the veteran's treating health care provider and a witness.