

110TH CONGRESS
2D SESSION

H. R. 7299

To direct the Secretary of Defense and the Secretary of Veterans Affairs to make payments for certain treatments of traumatic brain injury and post-traumatic stress disorder.

IN THE HOUSE OF REPRESENTATIVES

NOVEMBER 20, 2008

Mr. CANNON (for himself and Mrs. NAPOLITANO) introduced the following bill; which was referred to the Committee on Armed Services, and in addition to the Committee on Veterans' Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To direct the Secretary of Defense and the Secretary of Veterans Affairs to make payments for certain treatments of traumatic brain injury and post-traumatic stress disorder.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. PAYMENT FOR TREATMENT OF MEMBERS OF**
2 **THE ARMED FORCES AND VETERANS FOR**
3 **TRAUMATIC BRAIN INJURY AND POST-TRAU-**
4 **MATIC STRESS DISORDER.**

5 (a) PAYMENT PROCESS.—The Secretary of Defense
6 and the Secretary of Veterans Affairs shall each establish
7 a process through which each Secretary shall provide pay-
8 ment for treatments (including diagnostic testing) of trau-
9 matic brain injury and post-traumatic stress disorder re-
10 ceived by members of the Armed Forces and veterans in
11 health care facilities other than military treatment facili-
12 ties or Department of Veterans Affairs medical facilities.
13 Such process shall provide that payment be made directly
14 to the health care facility furnishing the treatment.

15 (b) CONDITIONS FOR PAYMENT.—The approval by a
16 Secretary for payment for a treatment pursuant to sub-
17 section (a) shall be subject to the following conditions:

18 (1) Any drug or device used in the treatment
19 must be approved by the Food and Drug Adminis-
20 tration for any purpose.

21 (2) A treatment protocol must be approved for
22 the treatment by an institutional review board oper-
23 ating in accordance with regulations issued by the
24 Secretary of Health and Human Services.

1 (3) The approved treatment protocol (including
2 any patient disclosure requirements) must be used
3 by the health care provider delivering the treatment.

4 (4) The patient receiving the treatment must
5 demonstrate an improvement on one or more of the
6 following:

7 (A) Standardized independent pre-treat-
8 ment and post-treatment neuropsychological
9 testing.

10 (B) Accepted survey instruments.

11 (C) Neurological imaging.

12 (D) Clinical examination.

13 (c) PAYMENT DEADLINE.—The Secretary of Defense
14 and the Secretary of Veterans Affairs shall make a pay-
15 ment for a treatment pursuant to subsection (a) not later
16 than 30 days after a member of the Armed Forces or vet-
17 eran (or health care provider on behalf of such member
18 or veteran) submits to the Secretary documentation re-
19 garding the treatment. The Secretary of Defense and the
20 Secretary of Veterans Affairs shall ensure that the docu-
21 mentation required under this subsection may not be an
22 undue burden on the member of the Armed Forces or vet-
23 eran.

24 (d) DATA COLLECTION AND AVAILABILITY.—

1 (1) IN GENERAL.—The Secretary of Defense
2 and the Secretary of Veterans Affairs shall jointly
3 develop and maintain a database containing data
4 from each patient case involving the use of a treat-
5 ment under this Act. The Secretaries shall ensure
6 that the database preserves confidentiality and be
7 made available only—

8 (A) for third-party payer examination;

9 (B) to the appropriate congressional com-
10 mittees and employees of the Department of
11 Defense, the Department of Veterans Affairs,
12 and appropriate State agencies; and

13 (C) concerning the data of a patient case
14 involving the use of a treatment under this Act,
15 to the primary investigator of the institutional
16 review board that approved such treatment.

17 (2) ENROLLMENT IN INSTITUTIONAL REVIEW
18 BOARD STUDY.—In the case of a patient enrolled in
19 a registered institutional review board study, results
20 may be publically distributable in accordance with
21 regulations and practices as of the date of the enact-
22 ment of this Act.

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