



GENERAL ASSEMBLY

COMMONWEALTH OF KENTUCKY

2022 REGULAR SESSION

HOUSE CONCURRENT RESOLUTION NO. 40

TUESDAY, FEBRUARY 1, 2022

Andy Beshear

1 A CONCURRENT RESOLUTION urging Kentucky's Congressional delegation to
2 include Kentucky's Veterans Affairs Medical Centers into the Center for Compassionate
3 Innovation, a U.S. Department of Veterans Affairs pilot program enabling the use of
4 hyperbaric oxygen therapy treatment for veterans with a traumatic brain injury or post-
5 traumatic stress disorder.

6 WHEREAS, the General Assembly values our citizens who are active duty military,
7 National Guard and Reserve members, and veterans, and recognizes the importance of
8 ensuring proper treatment for a wide variety of health issues, especially those caused as a
9 result of their service; and

10 WHEREAS, the signature wounds of Iraq and Afghanistan are traumatic brain
11 injury (TBI) and post-traumatic stress disorder (PTSD), which affect an estimated
12 877,450 veterans nationally and 12,800 in Kentucky; and

13 WHEREAS, although TBI and PTSD can result from any number of traumatic
14 events, the causes for veterans often include roadside bombs, enemy mortar attacks,
15 convoy attacks, and exchanging gunfire while on foot patrol; and

16 WHEREAS, the United States Congress has mandated significant improvements to
17 the mental health care provided by the Department of Veterans Affairs including
18 partnerships with non-federal government entities to provide hyperbaric oxygen therapy
19 (HBOT) to veterans for treatment of TBI and PTSD; and

20 WHEREAS, published neurological studies and Institutional Review Board trials
21 have found that HBOT can repair the brain tissue from a TBI and significantly improve
22 the quality of life of over 95% of patients after HBOT sessions; and

23 WHEREAS, in 2018, Kentucky joined six other states in passing legislation
24 allowing veterans to receive HBOT for TBI and PTSD; and

25 WHEREAS, Kentucky has several providers capable of providing HBOT services
26 throughout the state, with approximately 34 Hospital Wound Care Centers equipped with
27 73 functional hyperbaric chambers; and

1 WHEREAS, the Kentucky veterans program trust fund supported partial funding for
2 HBOT treatments for TBI and PTSD in 2021; and

3 WHEREAS, the Commander John Scott Hannon Veterans Mental Health Care
4 Improvement Act of 2019 and numerous other pieces of legislation introduced in
5 Congress all support HBOT treatment for veterans with TBI and PTSD; and

6 WHEREAS, the VA Mission Act of 2018 states, "the Secretary shall not limit the
7 types of hospital care, medical services, or extended care services covered veterans may
8 receive under this section if it is in the best medical interest of the veteran to receive such
9 hospital care, medical services, or extended services, as determined by the veteran and the
10 veteran's health care provider"; and

11 WHEREAS, the VA Community Care Program is currently available to veterans
12 from local community providers outside of the VA when the VA is not able to provide
13 the care that is needed; and

14 WHEREAS, the Commonwealth of Kentucky values the brave men and women
15 who have served in the Armed Forces of the United States and the General Assembly
16 supports and encourages the best available treatment for our veterans in gratitude for their
17 service;

18 NOW, THEREFORE,

19 *Be it resolved by the House of Representatives of the General Assembly of the*
20 *Commonwealth of Kentucky, the Senate concurring therein:*

21 ➔Section 1. Kentucky's Congressional delegation is strongly encouraged to
22 communicate the importance and value of including Kentucky's Veterans Affairs Medical
23 Centers into the Center for Compassionate Innovation to help veterans with traumatic
24 brain injuries and post-traumatic stress disorders. Additionally, the VA Community Care
25 Program should be utilized to contract with eligible community partners to provide
26 HBOT treatment for veterans within reasonable travel distance, at prescribed Medicare
27 rates, and pay for this critical care.

1 ➡Section 2. The General Assembly urges a review of the medical results in the
2 VA pilot program in order to improve treatment availability and eliminate current
3 qualifying criteria that pose a serious obstacle to the majority of VA in-care veterans who
4 may qualify for hyperbaric oxygen therapy treatment.

5 ➡Section 3. The Clerk of the House of Representatives is directed to transmit a
6 copy of this Resolution to all members of the Kentucky Congressional delegation; the
7 Secretary of the U.S. Department of Veterans Affairs, Denis Richard McDonough; the
8 Chairman of the U.S. House Committee on Veterans' Affairs, Representative Mark
9 Takano; and the Chairman of the U.S. Senate Committee on Veterans' Affairs, Senator
10 Jon Tester.