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SENATE BILL NO. 636

Offered January 10, 2024

Prefiled January 10, 2024

A BILL to establish a pilot program for transcranial magnetic stimulation; report.

Patrons—Locke, Craig, DeSteph, Perry and Subramanyam

Referred to Committee on General Laws and Technology

Be it enacted by the General Assembly of Virginia:

1. § 1. That the Department of Veterans Services (the Department) shall establish a pilot program to make electroencephalogram (EEG) combined transcranial magnetic stimulation treatment available for members of the military, veterans, first responders, and law-enforcement officers, including agents of the Central Intelligence Agency, the Defense Intelligence Agency, the Department of Defense, the Department of Homeland Security, the Drug Enforcement Administration, the Federal Bureau of Investigation, the National Reconnaissance Office, and the National Security Agency, and family members of the aforementioned individuals, with substance use disorders, mental illness, sleep disorders, traumatic brain injuries, sexual trauma, post-traumatic stress disorder and accompanying comorbidities, concussions or other brain trauma, or other quality of life issues.

§ 2. The Department shall choose a location for the pilot program and up to 10 branch sites and shall enter into a contract for the purchase of services related to the pilot program. A branch site may be a mobile unit or an EEG combined neuromodulation portable unit if the Department determines that mobile units or EEG combined neuromodulation portable units are necessary to expand access to care. The contract shall include provisions requiring the supplier to establish and operate a clinical practice, to evaluate outcomes of the clinical practice, to expend payments received from the state as needed for purposes of the pilot program, and to report quarterly regarding the pilot program to the Chairmen of the Senate Committee on Education and Health and the House Committee on Health, Welfare and Institutions.

§ 3. The Department shall adopt regulations as necessary to administer this act, including regulations that:

1. Require that a peer-to-peer support network be established and made available by the supplier to any individual receiving treatment under the pilot program;

2. Establish that the pilot program protocol will be to use adapted stimulation frequency and intensity modulation based on an EEG, as well as clinical symptoms and signs and biometrics;

3. Require that each individual who receives treatment under the pilot program shall also receive monitoring for symptoms of substance use and mental health disorders and shall have access to counseling, and also shall participate in the peer-to-peer support network established by the provider;

4. Require that protocols and outcomes of the clinical trial, and of any treatment provided by the clinical practice, be collected and reported quarterly in a report provided by the supplier;

5. Require that any individual who receives treatment at the clinical practice be eligible for a minimum of two electroencephalograms during the course of the individual's treatment; and

6. Require that the report required by this act include a thorough accounting of the use and expenditure of all funds received from the state under this act.

§ 4. As used in this act:

"Electroencephalogram (EEG) combined transcranial magnetic stimulation" means treatment in which transcranial magnetic stimulation (TMS) frequency pulses are tuned to the patient's physiology treatment, using EEG data.

"Quality of life issues" means issues affecting human performance, including issues related to or resulting from problems with cognition and problems maintaining attention, concentration, or focus.