

## Accessing off-label Hyperbaric Oxygen Therapy in hospital-based chambers.

About 85% of the hyperbaric chambers in the United States are found in hospitals. However, most of these hospitals routinely deny HBOT for brain-injured children simply because they believe it's illegal to treat hurt kids.

But this sort of thing has been part of the history of brain-injured children.

Anytime there is a change for the better for brain-injured people, it has always required an effort, and more often than not that effort has been something of a conflict. This sort of conflict has also been the general experience when pursuing hyperbaric oxygen for brain-injury.

This is unfortunately still true, but we are making tremendous headway. And we are not without our weapons in this struggle. Let's use them. We've been given at least two weapons; in Florida, everybody has a third weapon.

We have Paragraph 5 from the Medicaid statute, and we have the Americans with Disabilities Act (ADA). In Florida, residents there also have a statement from Florida Medicaid that they'll pay for HBOT without restrictions when the treatment is provided in a hospital (See

[http://groups.yahoo.com/group/medicaidforhbot/HBOT\\_Florida\\_pays.PDF](http://groups.yahoo.com/group/medicaidforhbot/HBOT_Florida_pays.PDF)).

Here's what we're going to do. We're going to file a ADA grievance with the US Dept. of Justice **that hospitals are denying services based on disability**. The ADA says you can't be denied the same service that a nondisabled person receives just because you have a disability.

There are 13 or 14 "covered" or "approved" uses of HBOT (See [http://groups.yahoo.com/group/medicaidforhbot/HCFR\\_HBOT\\_rules.PDF](http://groups.yahoo.com/group/medicaidforhbot/HCFR_HBOT_rules.PDF)). Most of these covered or approved uses are for people who don't have a *permanent* disability. If we have proof that hospitals are denying services **based on disability** (i.e., diagnosis), this is a clear violation of the ADA.

The US Justice Dept. has a special division set up just to review and investigate claims of ADA violations--which means we don't have to hire lawyers; however, they need to have facts/proof of discrimination in order to pursue rectifying the situation--so let's give them proof. I've had some conversation with a couple of folks, and they're interested in looking into this.

The first thing each and everyone of us should do is sit down and write a letter--on paper--not email, and mail it to each local hospital. Don't give them your phone number or email address--just your return address. **We've got to get the hospital replies in writing.**

(I'm sending mine out to both the hospitals that have hyperbaric chambers and the ones that do not.)

Here's a link to find hospitals in your state: <http://www.urgent-care.ws/er365a/emergency-department-listings.htm>

### How to write the letter.

First, get a prescription from your doctor for HBOT. Include a copy of that prescription in your letter. This is essential.

In the letter, just say that you have a cp child, a TBI child, a father who's had a stroke--whatever--just get in writing your diagnosis and ask if your loved one can be treated for the diagnosis at their hospital in their hyperbaric chamber.

That's it. Don't mention the Undersea and Hyperbaric Medical Society (UHMS) or IHMA. Don't discuss "approved uses" or "non-approved uses." Don't discuss on-label and off-label. Don't discuss Medicaid or Medicare. Don't discuss Blue Cross/Blue

Shield or Cigna or anything about a 3rd party payer.

All you want to do is ask them if your loved one can receive Hyperbaric Oxygen Therapy for their particular diagnosis.

Next, wait for a reply. Because you made the request in writing, you'll get a reply in writing.

When you get the reply, fax it to me at 770-234-5757. This is my new, permanent fax number. I'm spending 12 bucks a month on this number--just for this ADA project.

Please do this. Below is a sample letter I've written. I'm going to send it directly to the hospital administrator. You're welcome to copy this or just use it as a model, whichever is easier.

This is just step one. I'll follow up next on how to get Florida Medicaid to pay for HBOT, but this letter has to be done first.

Please participate.

Thank you very much and God bless.

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23 January, 2004

Mr. X, Hospital Administrator  
XYZ Hospital  
Atlanta, Georgia

Dear Mr. \_\_\_\_\_

I understand \_\_\_\_\_ Hospital has a hyperbaric chamber. My wife and I are the parents of a brain-injured child. Jimmy is ten years old and suffers from cerebral palsy that has impaired his mobility, balance, and speech. He is still not yet sitting up or walking.

However, we've researched his condition quite a bit and have found an amazing amount of information that Hyperbaric Oxygen Therapy (HBOT) has helped the functional status of over 90% of every cp child fortunate enough to receive HBOT.

Can our son Jimmy come to \_\_\_\_\_ Hospital and receive HBOT in your hyperbaric chamber to treat his cerebral palsy?

Sincerely,

David and Sara Freels  
2948 Windfield Circle  
Tucker, GA 30084-6714