

Senate Bill No. 2128 Testimony of J. Patrick Traynor

My name is Pat Traynor and I serve as Executive Director of Dakota Medical Foundation (DMF) which was originally formed in the early 1960s to own and operate Dakota Hospital in Fargo. In 1998, DMF sold its interest in the hospital and transitioned its charitable operations to lead initiatives to continually improve health and access to healthcare in our region. I am also a trustee of the Leland A. Swanson Charitable Trust (Swanson Charitable Trust) which has similar health related purposes and works together with DMF. I have been asked by Senator Judy Lee, Chair of the Human Services Committee, to provide background information on SB2128.

This bill allows nonprofit entities & charitable trusts that are offering hyperbaric oxygen therapy (HBOT) the right to employ their own physicians when the employment relationship between the physician and the nonprofit entity or trust is evidenced by a written contract that includes language protecting the physician's independent judgement in their practice of medicine. Other states in the country have similar exemptions from their corporate practice of medicine laws for nonprofit and other public benefit type organizations.

SB2128 is patterned after the exemption found in NDCC 43-17-42 Section 1 which grants hospitals the right to directly or indirectly employ physicians if they maintain a similar written contract protecting the physicians right to practice medicine according to their own independent judgement.

By way of background, DMF & Swanson Charitable Trust are interested in establishing an HBOT Center of Excellence to provide improved access to HBOT and significant credible research to determine other beneficial uses for HBOT.

It is important to highlight the following medical conditions that HBOT is currently used for and most insurance providers have approved for reimbursement:

1. Necrotizing Soft Tissue Infections
2. Chronic Osteomyelitis (Refractory)
3. Delayed Radiation Injury (Soft Tissue and Bony Necrosis)
4. Arterial Insufficiencies
5. Severe Anemia
6. Intracranial Abscess
7. Compromised Grafts & Flaps
8. Acute Thermal Burn Injury
9. Idiopathic Sudden Sensorineural Hearing Loss

10. Air or Gas embolism
11. Carbon Monoxide Poisoning
12. Clostridial Myositis and Myonecrosis (Gas Gangrene)
13. Crush Injury, Compartment Syndrome and Other Acute Traumatic Ischemias
14. Decompression Sickness

The current intent is to operate several HBOT chambers in Fargo and offer all regional physicians the opportunity to become knowledgeable on the beneficial & reimbursable uses of HBOT and the off label uses that are or will be studied.

These 14 medical conditions listed above currently have very limited access to HBOT in North Dakota. It is my understanding that there are only two HBOT facilities across the state of North Dakota, one located in Jamestown and one in Fargo.

Other medical conditions treated with HBOT but not approved by FDA and third-party payer coverage include:

1. Chronic persistent mild traumatic brain injury (concussion)
2. Treatment of PTSD
3. Operative preconditioning before major surgeries in the elderly
4. Inflammatory bowel disease (persistent flares, refractory)
5. Long bone fractures among athletes (curative and prevention)
6. Vascular dementia
7. Lyme disease
8. Inhibition of restenosis after stent placement following a heart attack
9. Metabolic aging and rejuvenation

It is the intent of DMF and Swanson Charitable Trust to pursue HBOT research within the nine categories listed above. Our current effort underway with the University of North Dakota Medical School and Essentia Health is to conduct credible research for HBOT as a potential treatment for those suffering from concussion injuries.

I am pleased to report that the Swanson Charitable Trust and DMF have committed to funding one HBOT chamber, placed at Essentia Hospital in Fargo to be used for access to HBOT care and ongoing research purposes. Essentia Hospital in Fargo plans to have two HBOT chambers operational by April 1, 2021.