

2026 Regular Session

SENATE BILL NO. 295

BY SENATOR WHEAT

HEALTH/ACC INSURANCE. Provides for insurance coverage of services for persons with acquired brain injuries. (8/1/26)

1 AN ACT
2 To enact R.S. 22:1042.1, relative to coverage of medically necessary treatment for persons
3 with acquired brain injuries; to require health insurance coverage of medically
4 necessary treatment for persons with acquired brain injuries; to provide relative to
5 limitations and cost-sharing; to provide for definitions; to provide for applicability;
6 and to provide for related matters.
7 Be it enacted by the Legislature of Louisiana:
8 Section 1. R.S. 22:1042.1 is hereby enacted to read as follows:
9 **§1042.1. Coverage for medically necessary treatment for persons with an**
10 **acquired brain injury**
11 **A. Every health coverage plan delivered or issued for delivery in this**
12 **state shall provide, to the extent permitted by federal law, coverage for**
13 **medically necessary treatment related to or as a result of an acquired brain**
14 **injury.**
15 **B.(1) The coverage provided pursuant to this Section shall not include**
16 **any lifetime limitation or unreasonable annual limitation of the number of days**
17 **or sessions of treatment services.**

1 **(2) Any limitations on rehabilitation services in an inpatient**
2 **rehabilitation facility shall be separate from and shall not be included in any**
3 **limitations of post-acute rehabilitation.**

4 **(3) Any limitations shall be separately stated by the health coverage plan**
5 **issuer.**

6 **C. The coverage provided pursuant to this Section shall not be subject**
7 **to any greater deductible, coinsurance, copayments, or out-of-pocket limits than**
8 **any other similar benefit provided by the health coverage plan.**

9 **D. A health coverage plan shall not deny coverage for medically**
10 **necessary treatment based solely on the location or setting in which the**
11 **treatment is provided, if the treatment is provided in a setting that is clinically**
12 **appropriate and in compliance with applicable state licensure, certification,**
13 **registration, or accreditation requirements. Clinically appropriate settings may**
14 **include but are not limited to inpatient hospital or rehabilitation facility**
15 **settings, outpatient and day treatment settings, post-acute residential treatment**
16 **settings, and home- and community-based settings.**

17 **E. For any medically necessary treatment covered pursuant to this**
18 **Section, any adverse determination issued in connection with a preauthorization**
19 **or utilization review shall be made by a clinical peer reviewer.**

20 **F. The commissioner shall promulgate rules and regulations, in**
21 **accordance with the Administrative Procedure Act, to establish a process for an**
22 **expedited appeal of any adverse determination by a health coverage plan issuer**
23 **for medically necessary treatment covered pursuant to this Section.**

24 **G. Medically necessary treatment covered pursuant to this Section shall**
25 **be provided by individual practitioners and treatment facilities qualified to**
26 **provide acute care and post-acute care rehabilitation services to a person with**
27 **an acquired brain injury through possession of the appropriate licenses,**
28 **accreditation, training, and experience deemed customary and routine in the**
29 **trade practice.**

1 **H. For the purposes of this Section, the following definitions apply:**

2 **(1) "Acquired brain injury" or "ABI" means any injury to the brain**
3 **which occurs after birth and may be caused by infectious diseases, metabolic**
4 **disorders, endocrine disorders, diminished oxygen, brain tumors, toxins, a**
5 **disease that affects the blood supply to the brain, stroke, or a traumatic brain**
6 **injury.**

7 **(2) "Adverse determination" means a determination by a clinical peer**
8 **reviewer, upon review based on the clinical information provided, that an**
9 **admission, extension of stay, or any other covered ABI service is not medically**
10 **necessary.**

11 **(3) "Clinical peer reviewer" means a healthcare professional who**
12 **specializes and has experience in the delivery of treatments and services for**
13 **persons with acquired brain injuries and possesses a current and valid license,**
14 **certificate, or registration to provide these treatments and services or, where no**
15 **provision for a license, certificate or registration exists, is credentialed by the**
16 **national accrediting body appropriate to the profession.**

17 **(4) "Cognitive communication therapy" means treatment for problems**
18 **with communication which have an underlying cause in one or more cognitive**
19 **deficits rather than a primary language or speech deficit.**

20 **(5) "Cognitive rehabilitation therapy" means a process of relearning**
21 **cognitive skills essential for daily living through the coordinated specialized,**
22 **integrated therapeutic treatments which are provided in dynamic settings**
23 **designed for efficient and effective relearning following damage to brain cells**
24 **or brain chemistry due to brain injury.**

25 **(6) "Community reintegration services" means incremental guided**
26 **real-world therapeutic training to develop skills essential for an individual to**
27 **participate in life which includes to reenter employment; to go to school and**
28 **engage in other productive activity; to safely live independently; and to**
29 **participate in the community while avoiding rehospitalization and long-term**

1 support needs.

2 (7) "Functional rehabilitation therapy" means a structured approach
3 which emphasizes learning by doing, and focuses relearning a specific task in
4 a prescribed format, with maximum opportunity for repeated correct practice.
5 Functional rehabilitation therapy includes compensatory strategies developed
6 for those skills which are persistently impaired with individuals trained on daily
7 implementation. To ensure acquisition and use, the focus of functional
8 rehabilitation therapy is set on relearning those skills essential for safe daily
9 living in home- and community-based settings.

10 (8) "Health coverage plan" means any hospital, health, or medical
11 expense insurance policy, hospital or medical service contract, employee welfare
12 benefit plan, contract, or other agreement with a health maintenance
13 organization or a preferred provider organization, health and accident
14 insurance policy, or any other insurance contract of this type in this state,
15 including a group insurance plan or a self-insurance plan. "Health coverage
16 plan" does not include a plan providing coverage for excepted benefits as
17 defined in R.S. 22:1061, limited benefit health insurance plans, short-term
18 policies that have a term of less than twelve months, Medicare, Medicaid, and
19 the Office of Group Benefits programs.

20 (9) "Medically necessary treatment" means healthcare services that are
21 consistent with generally accepted principles of professional medical practice.
22 Medically necessary treatment includes but is not limited to cognitive
23 rehabilitation therapy; cognitive communication therapy; neurocognitive
24 therapy and rehabilitation; neurobehavioral; neurophysiological; and
25 neuropsychological testing; neurofeedback therapy; functional rehabilitation
26 therapy; community reintegration services; post-acute residential treatment
27 services; inpatient services; outpatient and day treatment services; and home-
28 and community-based treatment.

29 (10) "Neurobehavioral therapy" means a set of medical and therapeutic

1 assessment and treatments focused on behavioral impairments associated with
2 brain disease or injury and the amelioration of these impairments through the
3 development of prosocial behavior.

4 (11) "Neurocognitive therapy" means treatment of disorders in which
5 the primary clinical deficit is in cognitive function which has not been present
6 since birth and is a decline from a previously attained level of function.

7 (12) "Neurofeedback therapy" means a direct training of brain function
8 to enhance self-regulatory capacity or an individual's ability to exert control
9 over behavior, thoughts, and feelings. Neurofeedback therapy includes a form
10 of biofeedback whereby a patient can learn to control brain activity that is
11 measured and recorded by an electroencephalogram.

12 (13) "Neuropsychological testing" means a set of medical and
13 therapeutic assessments and treatments focused on amelioration of cognitive,
14 emotional, psychosocial, and behavioral deficits caused by brain injury.

15 (14) "Post-acute residential treatment" means integrated medical and
16 therapeutic services, treatment, education, and skills training provided in a
17 home- and community-based setting and designed to create the maximum
18 opportunity for correct practice of skill in the context of use to develop new
19 neural pathways to enable the person to avoid rehospitalization and long-term
20 care.

21 Section 2. The provisions of this Act apply to any new policy, contract, program, or
22 health coverage plan issued on and after January 1, 2027. Any policy, contract, or health
23 coverage plan in effect prior to January 1, 2027, shall convert to conform to the provisions
24 of this Act on or before the renewal date, but no later than January 1, 2028.

