

Legislation

LEGISLATION

State Legislature House of Representatives

House Concurrent Resolution Number 1
of the 2006 Regular Session
by Representative Waddell
Vagus Nerve Stimulators
(LAC 50:XVII.504 and 505)

A Concurrent Resolution

To amend the Department of Health and Hospitals, office of public health, rules on Medicaid reimbursement, relative to Vagus Nerve Stimulators, and to direct the Louisiana Register to print the amendments in the Louisiana Administrative Code.

WHEREAS, the Department of Health and Hospitals, office of public health, has promulgated rules relative to Medicaid reimbursement for Vagus Nerve Stimulators; and

WHEREAS, thirteen other states have expressly provided for Medicaid reimbursement for the implementation and programming of Vagus Nerve Stimulators; and

WHEREAS, Louisiana and Arkansas are the only two states that do not allow all surgeons other than neurosurgeons to receive Medicaid reimbursement for Vagus Nerve Stimulators; and

WHEREAS, this rule is an unnecessary obstacle for patients wishing to receive a Vagus Nerve Stimulator implant; and

WHEREAS, R.S. 49:969 provides that "the legislature, by concurrent resolution, may suspend, amend, or repeal any rule or regulation or body of rules and regulations adopted by a state, department, agency, board, or commission".

THEREFORE, BE IT RESOLVED by the Legislature of Louisiana that LAC 50:XVII.505(A) is hereby amended and reenacted, and LAC 50:XVII.504 is hereby enacted to read as follows.

Title 50

PUBLIC HEALTH—MEDICAL ASSISTANCE

Part XVII. Durable Medical Equipment

Subpart 1. Prosthetics

Chapter 5. Vagus Nerve Stimulator

§504. Implanting the Vagus Nerve Stimulator

A. The implantation of a Vagus Nerve Stimulator shall be performed by a surgeon who has been properly trained and is familiar with the carotid sheath.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and Title XIX of the Social Security Act.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 29:2799 (December 2003), amended by House Concurrent Resolution Number 1 of the 2006 Regular Legislative Session, LR 32:1535 (August 2006).

§505. Programming the Vagus Nerve Stimulator

A. The programming of the VNS stimulator shall be performed by the surgeon who performed the implant procedure or by a licensed neurologist or psychiatrist. Programming subsequent to the first three times may be subject to post authorization review for medical necessity prior to payment of the claim. Authorization for payment will only be considered when there is documented clinical evidence to show that the recipient has experienced seizures since previous programming attempts. Payment for the programming procedure will only be authorized when it is performed as an attempt to reduce or prevent future episodes of seizures.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and Title XIX of the Social Security Act.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 29:2800 (December 2003), amended by House Concurrent Resolution Number 1 of the 2006 Regular Legislative Session, LR 32:1535 (August 2006).

BE IT FURTHER RESOLVED that the clerk of the House of Representatives is hereby directed to transmit a suitable copy of this Resolution to the Office of the Louisiana Register and the Department of Health and Hospitals, office of public health.

BE IT FURTHER RESOLVED that the Louisiana Register is hereby directed to have the amendment to LAC 50:XVII.505(A) and the enactment of LAC 50:XVII.504 printed and incorporated in the Louisiana Administrative Code and to transmit a copy of the revised rule to the Department of Health and Hospitals, office of public health.

Joe R. Salter
Speaker of the House
and
Donald E. Hines
President of the Senate

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LEGISLATION

State Legislature House of Representatives

House Concurrent Resolution Number 8
of the 2006 Regular Session
by Representatives Lafonta, K. Carter, and Gray
Duration of Certification and Developmental Assistance
(LAC 19:II.115 and 301)

A Concurrent Resolution

To amend the Department of Economic Development, Small and Emerging Business Development Program rules to extend the period of time that a business may benefit from

the program and to direct the Louisiana Register to print the amendments in the Louisiana Administrative Code.

WHEREAS, LAC 19:II.115(A) and II.301(B)(5) provide that a business may be certified for only up to seven years for the Small and Emerging Business Development Program; and

WHEREAS, the devastating effects of Hurricane Katrina and Hurricane Rita have placed great impediments upon Louisiana's small and emerging businesses; and

WHEREAS, such impediments require that the term of certification for small and emerging businesses be lengthened to ten years to allow these businesses to recover from the effects of these two great disasters; and

WHEREAS, R.S. 49:969 provides that "the legislature, by concurrent resolution, may suspend, amend, or repeal any rule or regulation or body of rules or regulations adopted by a state department, agency, board, or commission".

THEREFORE, BE IT RESOLVED by the Legislature of Louisiana that LAC 19:II.115(A) and II.301(B)(5) are hereby amended to read as follows.

Title 19

CORPORATIONS AND BUSINESS

Part II. Small and Emerging Business

Development Program

Chapter 1. General Provisions

§115. Duration of Certification

A. The maximum amount of time that a firm may be granted certification by the SEBD Program is ten years or when the firm graduates.

B. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 51:942.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Office of the Secretary, Division of Economically Disadvantaged Business Development, LR 23:52 (January 1997), LR 26:1572 (August 2000), amended by the Department of Economic Development, Office of Business Development, LR 29:544 (April 2003), LR 30:755 (April 2004), amended by House Concurrent Resolution Number 8 of the 2006 Regular Legislative Session, LR 32:1536 (August 2006).

Chapter 3. Developmental Assistance Program

§301. Developmental Assistance

A. ...

B. Developmental Steps

1. - 4. ...

5. Graduation from the Program. Upon completion of the program's ten year term or attainment of the SEB's programmatic goals, the SEB will graduate from the program. Companies that do not make satisfactory progress and/or exceed the net worth prerequisites for certification will be terminated from the SEBD Program.

AUTHORITY NOTE: Promulgated in accordance with R.S. 51:942.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Office of the Secretary, Division of Economically Disadvantaged Business Development, LR 23:53 (January 1997), LR 26:1573 (August 2000), amended by the Department of Economic Development, Office of Business Development, LR 29:544 (April 2003), LR 30:755 (April 2004), amended by House Concurrent Resolution Number 8 of the 2006 Regular Legislative Session, LR 32:1536 (August 2006).

BE IT FURTHER RESOLVED that the clerk of the House of Representatives is hereby directed to transmit a copy of this Resolution to the Department of Economic Development, Small and Emerging Business Program.

BE IT FURTHER RESOLVED that the Louisiana Register is hereby directed to have the amendments provided for in this Resolution printed and incorporated into the Louisiana Administrative Code and to transmit a copy of the revised rules to the Department of Economic Development, Small and Emerging Business Program.

Joe R. Salter
Speaker of the House
and
Donald E. Hines
President of the Senate

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