AN ACT

To amend and reenact R.S. 40:1216.1(A)(7) and R.S. 46:1806(A)(1), 1809(B)(1), (3)(a), and (4)(a), 1810(A), and 1813(A) and to enact R.S. 46:1802(10)(a)(vi) and (b)(vi) and 1822, relative to the Crime Victims Reparations Act; to provide relative to definitions; to provide relative to application time periods; to provide relative to documentation; to provide relative to the issuance of reparations awards; to provide relative to reporting requirements; to provide relative to the amount of reparations awards; to provide relative to the amount of emergency awards; to provide for reimbursement; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 40:1216.1(A)(7) is hereby amended and reenacted to read as follows:

§1216.1. Procedures for victims of a sexually-oriented criminal offense; immunity; regional plans; maximum allowable costs; definitions

A. All licensed hospitals and healthcare providers in Louisiana shall adhere to the following procedures in the event that a person, male or female, presents himself or herself or is presented for treatment as a victim of a sexually-oriented criminal offense:

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(7) A healthcare provider may submit a claim for payment of healthcare services rendered in conducting a forensic medical exam for a victim of a sexually-oriented offense to any of the following:

CODING: Words in struck through type are deletions from existing law; words underscored are additions.
(a) With the consent of the victim, to the victim’s health insurance issuer. Notwithstanding any provision to the contrary, a health insurance issuer receiving a claim for covered healthcare services rendered in conducting a forensic medical exam shall waive any applicable deductible, co-insurance, and co-pay and the healthcare provider shall submit a claim to the Crime Victims Reparations Fund for satisfaction of any non-covered services, not to exceed one thousand dollars. In addition, the health insurance issuer shall allow the victim to designate any address to be used for purposes of transmitting an explanation of benefits or allow the victim to designate that no explanation of benefits be generated or transmitted.

(b) The Louisiana Medicaid, Medicare, or Tricare programs, if the victim is enrolled as beneficiary of any of these programs.

(c) If the victim does not consent to the healthcare provider submitting a claim to his or her health insurance issuer or the victim is not otherwise insured, the Crime Victims Reparations Board. The Crime Victims Reparations Board shall reimburse at the rate as promulgated by the board for healthcare services rendered but in no case shall reimburse in any amount greater than one thousand dollars the healthcare provider in accordance with the provisions of R.S. 46:1822.

Section 2. R.S. 46:1806(A)(1), 1809(B)(1), (3)(a), and (4)(a), 1810(A), and 1813(A) are hereby amended and reenacted and R.S. 46:1802(10)(a)(vi) and (b)(vi) and 1822 are hereby enacted to read as follows:

§1802. Definitions

As used in this Chapter:

(10) "Pecuniary loss" means the amount of expense reasonably and necessarily incurred by reason of personal injury, as a consequence of death, or a catastrophic property loss, and includes:

(a) For personal injury:

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(vi) Relocation for claimants who have to relocate as a result of the crime for reasons of personal safety or other reasons reasonably related to the crime.

(b) As a consequence of death:

* * *

(vi) Relocation for claimants who have to relocate as a result of the crime due to the death of the victim.

* * *

§1806. Application; requirements; confidentiality

A.(1)(a) An application for reparations shall be filed in writing with the board within one year after the date of the personal injury, death, or catastrophic property loss or within such longer period as the board determines is justified by the circumstances. The application shall be valid only if the reasonable documentation of the crime resulting in the personal injury, death, or catastrophic property loss was reported to the appropriate law enforcement officers within seventy-two hours after the date of the personal injury, death, or catastrophic property loss, or within such longer period as the board determines is justified by the circumstances is submitted with the application.

(b) For the purposes of this Subsection, "reasonable documentation" means any of the following:

(i) A police report documenting the commission of the crime.

(ii) Court records evidencing the criminal prosecution of a crime relevant to the application.

(iii) A certification of the crime signed under oath by any licensed clinical social worker, professional counselor, or healthcare provider that conducted an examination of the injuries resulting from the commission of the crime.

(iv) A certification of the crime signed under oath by a prosecuting attorney or investigating law enforcement officer who has personal involvement in the prosecution or investigation of any criminal case relative to the application.
(v) Any other documentation the board deems sufficient to show the
commission of a crime relevant to the application.

§1809. Criteria for making awards; prohibitions; authority to deny or reduce awards

B. In making its determination, the following provisions shall apply:

(1) A finding by the board, for purposes of considering an application for
award under this Chapter, that the commission of a crime enumerated in R.S.
46:1805(A) resulted in a pecuniary loss covered by this Chapter shall be a sufficient
finding with respect to the crimes giving rise to the application for a reparations
award. However, the board may make a partial eligibility determination on an
application prior to the incurring of a pecuniary loss by the victim or other claimant.

When one part of an award is denied, the board shall favor a partial award over the
total denial. An order for reparations may be made whether or not any person is
arrested, prosecuted, or convicted of the crime giving rise to the application for
reparations. The board may suspend proceedings in the interest of justice if a civil
or criminal action arising from such act or omission constituting the crime is pending
or imminent.

(3)(a) No award of reparations shall be made if the board finds that:

(i) The crime was not reported within the time specified by R.S. 46:1806(A).

(ii) The claimant failed or refused to cooperate substantially with
reasonable requests of appropriate law enforcement officials.

(iii) Reparations may substantially enrich the offender.

(iv) The totality of the circumstances indicate that the claimant was
the offender or an accessory, or that an award to the claimant would unjustly benefit
any of them. However, such ineligibility shall not apply if the claimant is a victim
of human trafficking or trafficking of children for sexual purposes.

(v) The claim was not filed timely, as provided by R.S. 46:1806(A) and (B):
(vi) The crime was committed prior to the effective date of this Chapter.

* * *

(4) The board may deny or reduce an award:

(a) If it finds a totality of the circumstances indicate that the behavior of the victim at the time of the crime giving rise to the claim was such that the victim bears some measure of responsibility for the crime that caused the physical injury, death, or catastrophic property loss or for the physical injury, death, or catastrophic property loss. However, such ineligibility shall not apply if the claimant is a victim of a human trafficking-related offense as defined by R.S. 46:1805 or a sexually-oriented criminal offense as defined by R.S. 15:622.

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§1810. Amount of reparations award

A. Awards payable under this Chapter shall not exceed fifteen thousand dollars in the aggregate for all claims arising out of the same crime except for those victims who are permanently, totally, or permanently and totally disabled as a result of the crime, the aggregate award shall not exceed twenty-five thousand dollars.

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§1813. Emergency awards

A. If it appears to the board prior to its taking action on a claim that an award likely will be made and that undue hardship will result to the claimant if no immediate economic relief is provided, the board may make an emergency award to the claimant pending its final decision in the case. The amount of an emergency award shall not exceed one thousand dollars.

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§1822. Forensic medical exams; reimbursement

A. The board shall reimburse a healthcare provider who performs a forensic medical exam in the amount of six hundred dollars. The board shall reimburse the healthcare facility at which a forensic medical exam was conducted for the cost of performing the exam in the amount of one thousand dollars.
B. In order to be reimbursed for the costs of performing a forensic medical exam, the healthcare provider or the healthcare facility seeking reimbursement shall submit to the board an attestation that a forensic medical exam was conducted. The attestation shall contain only sufficient information to identify the victim, the date that the exam was performed, and the address to which payment can be made for the healthcare provider or healthcare facility. The board shall not require any billing documentation or medical records from the healthcare provider or the healthcare facility as a condition of payment under the provisions of this Section.

C. The board shall direct payment to be made to a healthcare provider or healthcare facility no later than ninety calendar from the date the attestation is submitted to the board by the healthcare provider or healthcare facility.

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: ____________________

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