

2024 Regular Session

SENATE BILL NO. 159

BY SENATOR CATHEY

VETERANS. Creates the Preserving Lawful Utilization of Services for Veterans Act. (gov sig)

1 AN ACT

2 To enact R.S. 29:296, relative to services for veterans; to provide for restrictions on services  
3 provided to veterans for compensation; to provide for definitions; to provide for  
4 disclosures; to provide relative to violations; to provide for an effective date; and to  
5 provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 29:296 is hereby enacted to read as follows:

8 **§296. Preserving lawful utilization of services for veterans**

9 **A. For the purposes of this Section, the following terms shall have the**  
10 **following meanings:**

11 **(1) "Compensation" means any money, thing of value, or economic**  
12 **benefit conferred on, or received by, any person in return for services rendered,**  
13 **or to be rendered, by a person.**

14 **(2) "Person" means any natural person, corporation, trust, partnership,**  
15 **incorporated or unincorporated association, or any other legal entity.**

16 **(3) "Veterans' benefits matter" means the preparation, presentation, or**  
17 **prosecution of any claim affecting any person who has filed or expressed an**

1 intent to file a claim for any benefit, program, service, commodity, function,  
2 status, or entitlement to which is determined to pertain to veterans, their  
3 dependents, their survivors, or any other individual eligible for such benefits  
4 under the laws and regulations administered by the United States Department  
5 of Veterans Affairs or the Louisiana Department of Veterans Affairs.

6 B.(1) No person shall receive compensation for referring any individual  
7 to another person to advise or assist the individual with any veterans' benefits  
8 matter.

9 (2) No person shall receive any compensation for any services rendered  
10 in connection with any claim filed within the one year presumptive period of  
11 active-duty release.

12 (3) No person shall receive any compensation for any services rendered  
13 in connection with any claim for pension benefits.

14 C.(1) A person seeking to receive compensation for advising, assisting,  
15 or consulting with any individual in connection with any veterans' benefits  
16 matter shall, before rendering any services, memorialize the specific terms  
17 under which the amount to be paid will be determined in a written agreement  
18 signed by both parties. Compensation must be purely contingent upon an  
19 increase in benefits awarded, and if successful, compensation shall not exceed  
20 five times the amount of the monthly increase in benefits awarded based on the  
21 claim. Compensation shall not exceed twelve thousand five hundred dollars or  
22 an amount established by federal law, whichever is less. No initial or  
23 nonrefundable fee shall be charged by a person advising, assisting, or consulting  
24 an individual on a veterans benefit matter. No interest shall be charged on any  
25 payment plans agreed to by the parties.

26 (2) A person seeking to receive compensation for advising, assisting, or  
27 consulting with any individual with any veterans' benefits matter shall not  
28 utilize a medical professional with whom it has an employment or business  
29 relationship for a secondary medical exam.

1           (3) In the event that a veteran claimant dies prior to a claim being  
2           processed, any expected compensation shall be waived and no charge, fee, or  
3           debt shall be collected. Any payment plan for services rendered shall be  
4           terminated immediately.

5           D. No person shall guarantee, either directly or by implication, a  
6           successful outcome or that any individual is certain to receive specific veterans'  
7           benefits or that any individual is certain to receive a specific level, percentage,  
8           or amount of veterans' benefits.

9           E.(1) No person shall advise, assist, or consult for compensation with any  
10          individual concerning any veterans' benefits matter without clearly providing  
11          at the outset of the business relationship the following disclosure both orally and  
12          in writing:

13           "This business is not sponsored by, or affiliated with, the United States  
14           Department of Veterans Affairs or the Louisiana Department of  
15           Veterans Affairs, or any other federally chartered veterans' service  
16           organization. Other organizations including but not limited to the  
17           Louisiana Department of Veterans Affairs, a local veterans' service  
18           organization, and other federally chartered veterans' service  
19           organizations may be able to provide you with this service free of charge.  
20           Products or services offered by this business are not necessarily  
21           endorsed by any of these organizations. You may qualify for other  
22           veterans' benefits beyond the benefits for which you are receiving  
23           services here."

24          (2) The written disclosure shall appear in at least twelve-point font and  
25          shall appear in a readily noticeable and identifiable place in the person's  
26          agreement with the individual seeking services. The disclosure shall direct the  
27          individual seeking services to the nearest Veterans Service Office, with the  
28          appropriate address and contact information for that office. The individual  
29          shall verbally acknowledge understanding of the oral disclosure and sign the

1 document in which the written disclosure appears to represent understanding  
2 of these provisions. The person offering services shall retain a copy of the  
3 written disclosure while providing veterans' benefits services for compensation  
4 to the individual and for at least one year after the date on which the service  
5 relations terminate.

6 F. Businesses engaging in the preparation of an initial claim or appeal  
7 of a disability rating for a fee shall not do any of the following:

8 (1) Utilize international call center or data centers for processing  
9 veterans personal information.

10 (2) Gain direct access to any personal medical, financial, or government  
11 benefits log-in, username, or password information.

12 G. A violation of the provisions of this Section shall constitute an unfair,  
13 false, misleading, or deceptive act or practice in the conduct of trade or  
14 commerce under the Unfair Trade Practices and Consumer Protection Law,  
15 R.S. 51:1401 et seq.

16 H. An entity assisting veterans with their initial disability claims as  
17 prescribed within this Section shall, within one hundred twenty days of the  
18 request, provide on an annualized basis of all of the following data to the  
19 Department of Veterans Affairs:

20 (1) Aggregate number of serviced in the state.

21 (2) Number of claims approved, denied, pending.

22 (3) Average claim return time.

23 (4) Number of clients who received a successful increase who have a  
24 previously assigned "agent of record".

25 (5) Data provided shall exclude any items of personal financial, medical,  
26 or other data deemed confidential, business privileged, or HIPAA protected  
27 information.

28 Section 2. This Act shall be known and may be cited as "The Preserving Lawful  
29 Utilization of Services for Veterans Act".

1           Section 3. This Act shall become effective upon signature by the governor or, if not  
 2 signed by the governor, upon expiration of the time for bills to become law without signature  
 3 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If  
 4 vetoed by the governor and subsequently approved by the legislature, this Act shall become  
 5 effective on the day following such approval.

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The original instrument and the following digest, which constitutes no part  
 of the legislative instrument, were prepared by Amanda Trapp.

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DIGEST

SB 159 Reengrossed

2024 Regular Session

Cathey

Proposed law creates the Preserving Lawful Utilization of Services for Veterans Act that provides for protection for veterans against person's receiving compensation for providing certain services to veterans.

Proposed law provides for certain circumstances that an individual or business is prohibited from providing services to veterans for compensation.

Proposed law provides for limitations on the amount of compensation received for providing the services.

Proposed law requires the person providing services to veterans to provide a written disclosure containing information regarding veteran's services.

Proposed law provides that violations of proposed law constitute an unfair, false, misleading, or deceptive act or practice in the conduct of trade or commerce under the Unfair Trade Practices and Consumer Protection Law.

Proposed law requires entities that assist veterans with initial disability claims to provide certain information to the Dept. of Veterans Affairs.

Effective upon signature of the governor or lapse of time for gubernatorial action.

(Adds R.S. 29:296)

Summary of Amendments Adopted by Senate

Committee Amendments Proposed by Senate Committee on Health and Welfare to the original bill

1. Adds limitations on compensation received for providing services to veterans.
2. Requires additional information on the disclosure.

Senate Floor Amendments to engrossed bill

1. Add reporting requirements.