

SENATE BILL NO. 147

BY SENATOR MIZELL

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AN ACT

To amend and reenact R.S. 40:1216.1(G) and to enact R.S. 40:1216.1(H), relative to procedures for victims of sex offenses; to require that healthcare providers make certain records available to sexual assault survivors; to provide relative to documents requested by the victim after a forensic medical examination has been performed; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 40:1216.1(G) is hereby amended and reenacted and R.S. 40:1216.1(H) is hereby enacted to read as follows:

§1216.1. Procedures for victims of a ~~sexually-oriented~~ **sexually oriented** criminal offense; immunity; regional plans; maximum allowable costs; definitions; **documents requested by victim**

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G.(1) Upon request of a competent adult victim of a sexually oriented criminal offense, the healthcare provider that performed the forensic medical exam shall provide a reproduction of any written documentation which is in the possession of the healthcare provider resulting from the forensic medical exam of the victim. The documentation shall be provided to the victim no later than fourteen days after the healthcare provider receives the request or the healthcare provider completes the documentation, whichever is later.

(2) The reproduction of written documentation provided for in this Subsection shall be made available at no cost to the victim and may only be released at the direction of the victim who is a competent adult. This release does not invalidate the victim's reasonable expectation of privacy nor does the record become a public record after the release to the victim.

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

2 (1) "Forensic medical examination" has the same meaning as defined in R.S.
3 15:622.

4 (2) "Healthcare provider" means either of the following:

5 (a) A physician or other healthcare practitioner licensed, certified, registered,
6 or otherwise authorized to perform specified healthcare services consistent with state
7 law.

8 (b) A facility or institution providing healthcare services, including but not
9 limited to a hospital or other licensed inpatient center, ambulatory surgical or
10 treatment center, skilled nursing facility, inpatient hospice facility, residential
11 treatment center, diagnostic, laboratory, or imaging center, or rehabilitation or other
12 therapeutic health setting.

13 (3) "Healthcare services" means services, items, supplies, or drugs for the
14 diagnosis, prevention, treatment, cure, or relief of a health condition, illness, injury,
15 or disease ancillary to a ~~sexually-oriented~~ **sexually oriented** criminal offense.

16 (4) "~~Sexually-oriented~~ **Sexually oriented** criminal offense" has the same
17 meaning as defined in R.S. 15:622.

PRESIDENT OF THE SENATE

SPEAKER OF THE HOUSE OF REPRESENTATIVES

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____