

2022 Regular Session

HOUSE BILL NO. 648

BY REPRESENTATIVE HILFERTY

1 AN ACT

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

10 Be it enacted by the Legislature of Louisiana:

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

12 §1216.1. Procedures for victims of a sexually-oriented criminal offense; immunity;
13 regional plans; maximum allowable costs; definitions

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

18 * * *

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

1 (a) With the consent of the victim, to the victim's health insurance issuer.
 2 Notwithstanding any provision to the contrary, a health insurance issuer receiving
 3 a claim for covered healthcare services rendered in conducting a forensic medical
 4 exam shall waive any applicable deductible, co-insurance, and co-pay and the
 5 healthcare provider shall submit a claim to the Crime Victims Reparations Fund for
 6 satisfaction of any non-covered services, ~~not to exceed one thousand dollars~~. In
 7 addition, the health insurance issuer shall allow the victim to designate any address
 8 to be used for purposes of transmitting an explanation of benefits or allow the victim
 9 to designate that no explanation of benefits be generated or transmitted.

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

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

18 * * *

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

22 §1802. Definitions

23 As used in this Chapter:

24 * * *

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

28 (a) For personal injury:

29 * * *

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

3 (b) As a consequence of death:

4 * * *

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

7 * * *

8 §1806. Application; requirements; confidentiality

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

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

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

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

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

26 (iv) A certification of the crime signed under oath by a prosecuting attorney
27 or investigating law enforcement officer who has personal involvement in the
28 prosecution or investigation of any criminal case relative to the application.

1 (v) Any other documentation the board deems sufficient to show the
2 commission of a crime relevant to the application.

3 * * *

4 §1809. Criteria for making awards; prohibitions; authority to deny or reduce awards

5 * * *

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

7 (1) A finding by the board, for purposes of considering an application for
8 award under this Chapter, that the commission of a crime enumerated in R.S.
9 46:1805(A) resulted in a pecuniary loss covered by this Chapter shall be a sufficient
10 finding with respect to the crimes giving rise to the application for a reparations
11 award. However, the board may make a partial eligibility determination on an
12 application prior to the incurring of a pecuniary loss by the victim or other claimant.
13 When one part of an award is denied, the board shall favor a partial award over the
14 total denial. An order for reparations may be made whether or not any person is
15 arrested, prosecuted, or convicted of the crime giving rise to the application for
16 reparations. The board may suspend proceedings in the interest of justice if a civil
17 or criminal action arising from such act or omission constituting the crime is pending
18 or imminent.

19 * * *

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

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

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

24 ~~(iii) Reparations may substantially enrich the offender.~~

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

29 ~~(v) The claim was not filed timely, as provided by R.S. 46:1806(A) and (B).~~

1 (vi) ~~The crime was committed prior to the effective date of this Chapter.~~

2 * * *

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

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

11 * * *

12 §1810. Amount of reparations award

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

17 * * *

18 §1813. Emergency awards

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

24 * * *

25 §1822. Forensic medical exams; reimbursement

26 A. The board shall reimburse a healthcare provider who performs a forensic
27 medical exam in the amount of six hundred dollars. The board shall reimburse the
28 healthcare facility at which a forensic medical exam was conducted for the cost of
29 performing the exam in the amount of one thousand dollars.

1 B. In order to be reimbursed for the costs of performing a forensic medical
 2 exam, the healthcare provider or the healthcare facility seeking reimbursement shall
 3 submit to the board an attestation that a forensic medical exam was conducted. The
 4 attestation shall contain only sufficient information to identify the victim, the date
 5 that the exam was performed, and the address to which payment can be made for the
 6 healthcare provider or healthcare facility. The board shall not require any billing
 7 documentation or medical records from the healthcare provider or the healthcare
 8 facility as a condition of payment under the provisions of this Section.

9 C. The board shall direct payment to be made to a healthcare provider or
 10 healthcare facility no later than ninety calendar from the date the attestation is
 11 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: _____