

ACT No. 487

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 (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 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: _____