

SENATE BILL NO. 159

BY SENATOR CATHEY

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

23 **B.(1) No person shall receive compensation for referring any individual**
24 **to another person to advise or assist the individual with any veterans' benefits**
25 **matter.**

26 **(2) No person shall receive any compensation for any services rendered**
27 **in connection with any claim filed within the one-year presumptive period of**

1 active-duty release.

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

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

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

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

24 D. No person shall guarantee, either directly or by implication, a
25 successful outcome or that any individual is certain to receive specific veterans'
26 benefits or that any individual is certain to receive a specific level, percentage,
27 or amount of veterans' benefits.

28 E.(1) No person shall advise, assist, or consult for compensation with any
29 individual concerning any veterans' benefits matter without clearly providing
30 at the outset of the business relationship the following disclosure both orally and

1 in writing:

2 "This business is not sponsored by, or affiliated with, the United States
3 Department of Veterans Affairs or the Louisiana Department of
4 Veterans Affairs, or any other federally chartered veterans' service
5 organization. Other organizations including but not limited to the
6 Louisiana Department of Veterans Affairs, a local veterans' service
7 organization, and other federally chartered veterans' service
8 organizations may be able to provide you with this service free of charge.
9 Products or services offered by this business are not necessarily
10 endorsed by any of these organizations. You may qualify for other
11 veterans' benefits beyond the benefits for which you are receiving
12 services here."

13 (2) The written disclosure shall appear in at least twelve-point font and
14 shall appear in a readily noticeable and identifiable place in the person's
15 agreement with the individual seeking services. The disclosure shall direct the
16 individual seeking services to the nearest Veterans Service Office, with the
17 appropriate address and contact information for that office. The individual
18 shall verbally acknowledge understanding of the oral disclosure and sign the
19 document in which the written disclosure appears to represent understanding
20 of these provisions. The person offering services shall retain a copy of the
21 written disclosure while providing veterans' benefits services for compensation
22 to the individual and for at least one year after the date on which the service
23 relations terminate.

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

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

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

30 G. A violation of the provisions of this Section shall constitute an unfair,

1 false, misleading, or deceptive act or practice in the conduct of trade or
2 commerce under the Unfair Trade Practices and Consumer Protection Law,
3 R.S. 51:1401 et seq.

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

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

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

10 (3) Average claim return time.

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

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

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

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

PRESIDENT OF THE SENATE

SPEAKER OF THE HOUSE OF REPRESENTATIVES

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____