

2026 Regular Session

HOUSE BILL NO. 676

BY REPRESENTATIVES SPELL AND CHASSION

CRIME: Creates the crime of fraudulent patient referrals or "body brokering"

1 AN ACT

2 To enact R.S. 14:70.5.1, relative to misappropriation without violence; to create the crime
3 of fraudulent patient referrals or "body brokering"; to provide for definitions; to
4 provide for exceptions; to provide for penalties; to provide for an effective date; and
5 to provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 14:70.5.1 is hereby enacted to read as follows:

8 §70.5.1. Fraudulent patient referrals; "body brokering"

9 A. No person shall knowingly or intentionally do either of the following:

10 (1) Solicit, offer, pay, or receive any fee, payment, rebate, commission, or
11 anything of value from a person for the referral of a patient to a residential substance
12 abuse facility, mental health facility, or a facility licensed for substance use disorder
13 treatment or services.

14 (2) Urge or market to any person to make, furnish, or receive any fee,
15 payment, rebate, commission, or anything of value for the referral of a patient to a
16 residential substance abuse facility, mental health facility, or a facility licensed for
17 substance use disorder treatment or services.

18 B. The provisions of this Section do not apply to a person who, pursuant to
19 a lawful agreement, makes, receives, or otherwise furnishes any fee, payment,
20 commission, or rebate that does not vary based on any of the following:

1 (1) The number of patients referred to a residential substance abuse facility,
2 mental health facility, or a facility licensed for substance use disorder treatment or
3 services.

4 (2) The duration, level, volume, or nature of the substance use disorder
5 treatment services provided to a patient.

6 (3) The amount of benefits for treatment or services provided to a patient that
7 are provided by a carrier to a residential substance use disorder treatment facility,
8 mental health facility, or a facility licensed for substance use disorder treatment or
9 services.

10 C. For the purposes of this Section, the following terms have the following
11 meanings:

12 (1) "Person" means a natural or juridical person, including but not limited
13 to a health care provider, health care facility, non-profit organization, clinical
14 laboratory, recovery residence. or any other individual or entity.

15 (2) "Residential substance abuse facility" means any licensed behavioral
16 health service provider with a residential substance use disorder treatment facility
17 module.

18 D. Whoever violates the provisions of this Section shall be imprisoned with
19 or without hard labor for not more than five years, fined not more than fifty thousand
20 dollars, or both.

21 E. In addition to the penalties provided in Subsection D of this Section, a
22 person convicted under this Section shall be ordered to make full restitution to the
23 victim and any other person who has suffered a financial loss as a result of the
24 offense in accordance with Code of Criminal Procedure Article 883.2.

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

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

HB 676 Reengrossed

2026 Regular Session

Spell

Abstract: Creates the crime of fraudulent patient referrals or "body brokering".

Proposed law prohibits a person from knowingly or intentionally doing either of the following:

- (1) Soliciting, offering, paying, or receiving any fee, payment, rebate, commission, or anything of value for the referral of a patient to a residential substance abuse facility, mental health facility, or a facility licensed for substance use disorder treatment or services.
- (2) Urging or marketing to any person to make, furnish, or receive any fee, payment, rebate, commission, or anything of value for the referral of a patient to a residential substance abuse facility, mental health facility, or a facility licensed for substance use disorder treatment or services.

Proposed law provides for exceptions.

Proposed law defines the terms "person", and "residential substance abuse facility".

Proposed law provides for a penalty consisting of imprisonment with or without hard labor for not more than five years or a maximum fine of \$50,000, or both.

Proposed law provides for the payment of restitution to the victim and any other person who has suffered a financial loss as a result of the offense in accordance with present law (C.Cr.P. Art. 883.2).

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

(Adds R.S. 14:70.5.1)

Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on Administration of Criminal Justice to the original bill:

1. Remove definitions for the terms "health care facility" and "health care provider".
2. Clarify the elements of proposed law.
3. Provide for an effective date upon the governor's signature or lapse of time for gubernatorial action.
4. Make technical changes.

The House Floor Amendments to the engrossed bill:

1. Change the elements of proposed law as follows:
 - (a) Remove proposed law that provides for a violation if the offender commits certain acts either directly or indirectly, overtly or covertly, in cash or in kind.
 - (b) Change proposed law reference from "including but not limited to bribes or kickbacks" to "anything of value".
 - (c) Remove assistance or conspiring as actions constituting a violation of proposed law in matters involving referral-related fees or commissions.
2. Clarify that proposed law does not apply to a person who, pursuant to a lawful agreement, makes, receives, or otherwise furnishes any fee, payment, commission, or rebate that does not vary based on certain criteria.
3. Remove proposed law that provides for civil penalties.
4. Make technical changes.