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## DIGEST

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HB 668 Engrossed

2016 Regular Session

Carmody

**Abstract:** Provides for the protection of vulnerable adults from financial exploitation and regulates the ability of covered financial institutions to delay disbursements of certain funds.

Proposed law adds disclosures of information or financial records pursuant to proposed law by banks or bank affiliates to an enumerated list of authorized financial disclosures.

Proposed law enumerates definitions for the purposes of proposed law in order to provide for clarification.

Proposed law authorizes a covered financial institution to notify a covered agency if the covered financial institution believes that the financial exploitation of an eligible adult is being attempted, may have been attempted, or may have occurred.

Proposed law authorizes a covered financial institution to notify any third party previously designated, in writing, by the eligible adult if the covered financial institution believes that the financial exploitation of an eligible adult is being attempted, may have been attempted, or may have occurred. Proposed law clarifies with an exception that a disclosure shall not be made to any third party previously designated, in writing, by the eligible adult who is suspected of financial exploitation of the eligible adult.

Proposed law authorizes a covered financial institution to provide access to or copies of records, pursuant to proposed law, that are relevant to the suspected or attempted financial exploitation of an eligible adult to a covered agency, as defined in proposed law, either as part of a referral to the covered agency or upon request of a covered agency pursuant to an investigation. Proposed law clarifies that the records may include historical records as well as any records relating to the most recent transaction or transactions that may comprise financial exploitation of an eligible adult.

Proposed law provides that any record made available pursuant to proposed law shall be kept strictly confidential by the covered agency and is not a public record as defined by present law (R.S. 44:1 et seq.).

Proposed law clarifies that nothing in proposed law shall limit or otherwise impede the authority of the commissioner of OFI to access or examine books and records of a covered financial institution as otherwise provided by present law.

Proposed law provides that no covered financial institution, or any of its directors, officers,

employees, attorneys, accountants, or other agents, shall be civilly or criminally liable to any person, including any customer, for any act or failure to act pursuant to proposed law, and nothing in proposed law shall be construed to create any duty or mandate imposed on a covered financial institution.

Present law enumerates a list of recognized exceptions, exemptions, and limitations to the laws pertaining to public records. Proposed law amends present law to include reference to proposed law.

Effective January 1, 2017.

(Amends 44:4.1(B)(2); Adds R.S. 6:333(F)(19) and 341-345)

### Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on Commerce to the original bill:

1. Make technical changes.
2. Modify certain defined terms and clarify references to those terms.
3. Add the disclosures made pursuant to proposed law to an enumerated list of authorized disclosures made by banks or banking affiliates.
4. Remove a standard of reasonableness in certain disclosures made by covered financial institutions to either covered agencies or to designated third parties.
5. Require that any designation of a third party by an eligible adult must be made in writing.
6. Delete a reference to "any other abuse" relative to limiting disclosures made to previously designated third parties who are suspected of financial exploitation of the eligible adult.
7. Delete all provisions relative to regulations imposed on the delay of certain disbursements.
8. Modify immunity provisions regarding any act or failure to act pursuant to the provisions of proposed law relative to certain financial disclosures.
9. Provide reference for an exemption to public records laws.
10. Modify the effective date.