

2022 Regular Session

SENATE BILL NO. 147

BY SENATOR MIZELL

SEX OFFENSES. Provides for sexual assault survivors to have access to certain documents from the forensic medical exam. (8/1/22)

1 AN ACT

2 To amend and reenact R.S. 40:1216.1(G) and to enact R.S. 40:1216.1(H), relative to

3 procedures for victims of sex offenses; to require that healthcare providers make

4 certain records available to sexual assault survivors; to provide relative to documents

5 requested by the victim after a forensic medical examination has been performed;

6 and to provide for related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. R.S. 40:1216.1(G) is hereby amended and reenacted and R.S.

9 40:1216.1(H) is hereby enacted to read as follows:

10 §1216.1. Procedures for victims of a sexually-oriented criminal offense; immunity;

11 regional plans; maximum allowable costs; definitions; documents

12 requested by victim

13 * * *

14 G.(1) Upon request of a competent adult victim of a sexually-oriented

15 criminal offense, the healthcare provider that performed the forensic medical

16 exam shall provide a reproduction of any written documentation which is in the

17 possession of the healthcare provider resulting from the forensic medical exam

1 **of the victim. The documentation shall be provided to the victim no later than**
2 **fourteen days after the healthcare provider receives the request or the**
3 **healthcare provider completes the documentation, whichever is later.**

4 **(2) The reproduction of written documentation provided for in this**
5 **Subsection shall be made available at no cost to the victim and may only be**
6 **released at the direction of the victim who is a competent adult. This release**
7 **does not invalidate the victim's reasonable expectation of privacy nor does the**
8 **record become a public record after the release to the victim.**

9 **H.** For purposes of this Section the following definitions apply:

10 (1) "Forensic medical examination" has the same meaning as defined in R.S.
11 15:622.

12 (2) "Healthcare provider" means either of the following:

13 (a) A physician or other healthcare practitioner licensed, certified, registered,
14 or otherwise authorized to perform specified healthcare services consistent with state
15 law.

16 (b) A facility or institution providing healthcare services, including but not
17 limited to a hospital or other licensed inpatient center, ambulatory surgical or
18 treatment center, skilled nursing facility, inpatient hospice facility, residential
19 treatment center, diagnostic, laboratory, or imaging center, or rehabilitation or other
20 therapeutic health setting.

21 (3) "Healthcare services" means services, items, supplies, or drugs for the
22 diagnosis, prevention, treatment, cure, or relief of a health condition, illness, injury,
23 or disease ancillary to a sexually-oriented criminal offense.

24 (4) "Sexually-oriented criminal offense" has the same meaning as defined in
25 R.S. 15:622.

The original instrument was prepared by Whitney Kauffeld. The following digest, which does not constitute a part of the legislative instrument, was prepared by Brandi Cannon.

DIGEST

SB 147 Engrossed 2022 Regular Session Mizell

Present law provides that a healthcare provider must treat any patient who presents themselves for treatment as a victim of a sexually-oriented criminal offense and conduct forensic medical exams and preserve any evidence obtained for law enforcement to collect.

Proposed law retains present law.

Proposed law provides that, upon request of a competent adult victim of a sexually-oriented criminal offense, the healthcare provider that performed the forensic medical exam shall provide a reproduction of any written documentation which is in the possession of the healthcare provider resulting from the forensic medical exam of the victim.

Proposed law requires the documentation to be provided at no cost to the victim no later than 14 days after the healthcare provider receives the request or the healthcare provider completes the documentation, whichever is later.

Effective August 1, 2022.

(Amends R.S. 40:1216.1(G); adds R.S. 40:1216.1(H))

Summary of Amendments Adopted by Senate

Committee Amendments Proposed by Senate Committee on Health and Welfare to
the original bill

1. Requires the reproduction of any written documentation.
2. Specifies that the victim must be a competent adult.