

2015 Regular Session

HOUSE BILL NO. 835 (Substitute for House Bill No. 194 by Representative Moreno)

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Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

Provides relative to the examination, treatment, and billing of victims of sexually-oriented criminal offenses

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AN ACT

To amend and reenact R.S. 13:5713(F) and R.S. 15:622(A)(2) and (4) and R.S. 46:1802(4), (7) through (10), 1806(B), (C), and (D), 1809(B)(3) and (4)(a), and 1817(A) and to enact R.S. 15:623 and Part XLIV of Chapter 5 of Title 40 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 40:1300.41, and R.S. 46:1802(10.1), (11), (12), and (13), 1806(E), and 1807(B)(7) and to repeal R.S. 40:2109.1, relative to the treatment and billing of victims of a sexually-oriented criminal offense; to require the coroner to examine victims; to require the use of a barcode to maintain confidentiality; to provide for the transfer of evidence; to provide for the forensic medical examination; to provide for ancillary healthcare services; to require a regional sexual assault response plan; to provide for input by stakeholders; to provide procedures for the billing of services provided to a victim; to authorize certain licensure disciplinary actions for violations; to provide relative to forensic medical examinations; to provide for certain application requirements for reparations relative

1 to victims of sexually-oriented criminal offenses; to require the Crime Victims
2 Reparations Board to promulgate rules and regulations; to provide for certain
3 eligibility provisions; to provide for notification requirements; to provide for
4 definitions; and to provide for related matters.

5 Be it enacted by the Legislature of Louisiana:

6 Section 1. R.S. 13:5713(F) is hereby amended and reenacted to read as follows:

7 §5713. Duty to hold autopsies, investigations, etc.

8 * * *

9 F. The coroner or his designee shall examine all alleged victims of ~~rape,~~
10 ~~caral knowledge, sexual battery, and crime against nature when such cases are~~
11 ~~under police investigation~~ a sexually-oriented criminal offense. The coroner may
12 select the hospital or healthcare provider named as the lead entity for sexual assault
13 examinations in the regional plan required by R.S. 40:1300.41 as his designee to
14 perform the forensic medical examination.

15 * * *

16 Section 2. R.S. 15:622(A)(2) and (4) are hereby amended and reenacted and R.S.
17 15:623 is hereby enacted to read as follows:

18 §622. Sexual assault collection kits

19 A. As used in this Section:

20 * * *

21 (2) "Forensic medical examination" means an examination provided to the
22 victim of a sexually-oriented criminal offense by a health care provider for the
23 purpose of gathering and preserving evidence of a sexual assault for use in a court
24 of law. A forensic medical examination shall include the following:

25 (a) Examination of physical trauma.

26 (b) Patient interview, including medical history, triage, and consultation.

27 (c) Collection and evaluation of evidence, including but not limited to the
28 following:

29 (i) Photographic documentation.

30 (ii) Preservation and maintenance of chain of custody.

1 (iii) Medical specimen collection.

2 (iv) When determined necessary by the healthcare provider, an alcohol- and
3 drug-facilitated sexual assault assessment and toxicology screening.

4 * * *

5 (4) "Sexually-oriented criminal offense" ~~includes any sexual assault shall~~
6 have the same meaning as sex offense as defined in R.S. 44:51 and any sexual abuse
7 offense as defined in R.S. 14:403 R.S. 15:541(24).

8 * * *

9 §623. Submission of sexual assault collection kits

10 A. Within thirty days of receiving a sexual assault collection kit for a
11 reported case involving an unknown suspect, the criminal justice agency shall submit
12 the sexual assault collection kit to a forensic laboratory for testing.

13 B. If a prosecuting agency makes an official request for analysis of a sexual
14 assault collection kit, the criminal justice agency shall submit the sexual assault
15 collection kit to a forensic laboratory within thirty days of receiving the request from
16 the prosecuting agency.

17 Section 3. Part XLIV of Chapter 5 of Title 40 of the Louisiana Revised Statutes of
18 1950, to be comprised of R.S. 40:1300.41, is hereby enacted to read as follows:

19 PART XLIV. HEALTHCARE SERVICES FOR VICTIMS OF
20 SEXUALLY-ORIENTED CRIMINAL OFFENSES

21 §1300.41. Procedures for victims of a sexually-oriented criminal offense; immunity;
22 regional plans; maximum allowable costs; definitions

23 A. All licensed hospitals and healthcare providers in Louisiana shall adhere
24 to the following procedures in the event that a person, male or female, presents
25 himself or herself or is presented for treatment as a victim of a sexually-oriented
26 criminal offense:

27 (1) The victim shall make the decision of whether or not the incident will be
28 reported to law enforcement officials. No hospital or healthcare provider shall
29 require the person to report the incident in order to receive medical attention.

1 (2)(a) If the victim does not wish to report the incident to law enforcement
2 officials, the victim shall be examined and treated as any other patient. Any injuries
3 requiring medical attention shall be treated in the standard manner. Tests and
4 treatments exclusive to a victim of a sexually-oriented criminal offense shall be
5 explained and offered to the patient. The patient shall decide whether or not such
6 tests shall be conducted.

7 (b) Any examination and treatment shall include the preservation, in strict
8 confidentiality, for a period of at least one year from the time the victim is presented
9 for treatment, of tests or procedures, or both, and samples that may serve as potential
10 evidence. The patient shall be informed of the length of time for which the
11 specimens will be preserved. If the victim does not wish to report the incident to law
12 enforcement authorities, the responsibilities of the hospital or healthcare provider,
13 beyond medical treatment, shall be limited to the collection of tests, procedures, or
14 samples that may serve as potential evidence.

15 (c) Any evidence collected shall be assigned a code number and the hospital
16 or healthcare provider shall maintain code records for a period of at least one year
17 from the date the victim is presented for treatment. The hospital or healthcare
18 provider shall assign the code number by affixing to the evidence container a code
19 to be used in lieu of the victim's identifying information to maintain confidentiality.
20 The code number is to be used for identification should the victim later choose to
21 report the incident.

22 (d) For unreported cases, once a code number has been assigned, custody of
23 the evidence shall be transferred to an appropriate criminal justice agency or the
24 local law enforcement agency having jurisdiction in the parish in which the crime
25 occurred or to the appropriate criminal justice agency or local law enforcement
26 agency having jurisdiction in the parish in which the hospital or healthcare provider
27 is located, if the jurisdiction of the crime is unknown, and responsibility for the
28 custody of the evidence shall belong to that criminal justice agency or local law
29 enforcement agency. The law enforcement agency shall retrieve from the hospital
30 or healthcare provider the evidence no later than seven days after receiving

1 notification that a code number has been assigned to the evidence. The hospital or
2 healthcare provider shall coordinate the transfer of the evidence with the criminal
3 justice agency or law enforcement agency in a manner designed to protect its
4 evidentiary integrity. Evidence which is transferred to the custody of the appropriate
5 criminal justice agency or local law enforcement agency shall bear only the code
6 number assigned by the hospital or healthcare provider.

7 (3) If the victim wishes to report the incident to law enforcement officials,
8 the hospital staff or healthcare provider shall contact the appropriate law
9 enforcement agency. After the incident has been reported, the victim shall be
10 examined and treated as any other patient, any injuries requiring medical attention
11 shall be treated in the standard manner, and specimens shall be kept for evidence.
12 The evidence shall be turned over to the law enforcement officers when they arrive
13 to assume responsibility for investigation of the incident and in no event shall the
14 evidence remain at the hospital more than seven days after the law enforcement
15 agency receives the notification from the hospital.

16 (4)(a) Notwithstanding any other provisions of this Section, if any person
17 sixteen years old or younger presents himself or herself or is presented for treatment
18 as a victim of a sexually-oriented criminal offense, the hospital or healthcare
19 provider shall immediately notify the appropriate law enforcement official. The
20 appropriate law enforcement official shall have seven days from the receipt of the
21 notification to retrieve any evidence collected by the hospital pursuant to this
22 Subparagraph.

23 (b) The coroner of the parish, the district attorney, appropriate law
24 enforcement officials, hospital personnel, and healthcare providers may develop
25 procedures pursuant to R.S. 15:440.1 through 440.6 to make a videotape of the
26 person provided for in Subparagraph (a) of this Paragraph when a person fourteen
27 years old or younger has been the victim of physical or sexual abuse. The costs of
28 such videotaping may be allocated among the agencies and facilities involved.

29 (5) Notwithstanding any other provisions of this Section, if the victim is
30 physically or mentally incapable of making the decision to report, the hospital or

1 healthcare provider shall immediately notify the appropriate law enforcement
2 officials.

3 (6) No hospital or healthcare provider shall directly bill a victim of a
4 sexually-oriented criminal offense for any healthcare services rendered in conducting
5 a forensic medical examination as provided for in R.S. 15:622. The expenses shall
6 include the following:

7 (a) Forensic examiner and hospital or healthcare facility services directly
8 related to the exam, including integral forensic supplies.

9 (b) Scope procedures directly related to the forensic exam including but not
10 limited to anoscopy and colposcopy.

11 (c) Laboratory testing directly related to the forensic examination, including
12 drug screening, urinalysis, pregnancy screening, syphilis screening, chlamydia
13 culture, gonorrhea coverage culture, blood test for HIV screening, hepatitis B and C,
14 herpes culture, and any other sexually transmitted disease testing directly related to
15 the forensic examination.

16 (d) Any medication provided during the forensic medical examination.

17 (7) A healthcare provider may submit a claim for payment of healthcare
18 services rendered in conducting a forensic medical exam for a victim of a sexually-
19 oriented offense to any of the following:

20 (a) With the consent of the victim, to the victim's health insurance issuer.
21 Notwithstanding any provision to the contrary, a health insurance issuer receiving
22 a claim for covered healthcare services rendered in conducting a forensic medical
23 exam shall waive any applicable deductible, co-insurance, and co-pay and the
24 healthcare provider shall submit a claim to the Crime Victims Reparations Fund for
25 satisfaction of any non-covered services, not to exceed one thousand dollars. In
26 addition, the health insurance issuer shall allow the victim to designate any address
27 to be used for purposes of transmitting an explanation of benefits or allow the victim
28 to designate that no explanation of benefits be generated or transmitted.

29 (b) The Louisiana Medicaid, Medicare, or Tricare programs, if the victim is
30 enrolled as beneficiary of any of these programs.

1 (c) If the victim does not consent to the healthcare provider submitting a
2 claim to his or her health insurance issuer or the victim is not otherwise insured, the
3 Crime Victims Reparations Board. The Crime Victims Reparations Board shall
4 reimburse at the rate as promulgated by the board for healthcare services rendered
5 but in no case shall reimburse in any amount greater than one thousand dollars.

6 (8) Except for those services specifically set forth in the provision of this
7 Section, no other services shall be subject to the reimbursement or billing provisions
8 of this Section and shall continue to be reimbursable under the ordinary billing
9 procedures of the hospital or healthcare provider. In addition, a victim of a sexually-
10 oriented offense may seek reimbursement for these services through the Crime
11 Victims Reparations Board.

12 (9) The department shall make available to every hospital and healthcare
13 provider licensed under the laws of this state a pamphlet containing an explanation
14 of the billing process for services rendered pursuant to this Section. Every hospital
15 and healthcare provider shall provide a copy of the pamphlet to any person presented
16 for treatment as a victim of a sexually-oriented criminal offense.

17 B.(1) These procedures shall constitute minimum standards for the operation
18 and maintenance of hospitals under the provisions of this Part and failure to comply
19 with the standards shall constitute grounds for denial, suspension, or revocation of
20 license under provisions of this Part.

21 (2) Failure to comply with the provisions of this Section may constitute
22 grounds for denial, suspension, or revocation of the healthcare provider's license by
23 the appropriate licensing board or commission.

24 C. When a licensed hospital or healthcare provider fails to examine and treat
25 a person, male or female, who has presented himself or herself or who has been
26 presented as a victim of a sexually-oriented criminal offense, the coroner of the
27 parish or his designee shall examine the alleged victim and, if necessary, make
28 arrangements for the treatment of the victim. The coroner may select the hospital or
29 healthcare provider named as the lead entity for sexual assault examinations in the
30 regional plan required by this Section as his designee to perform the forensic medical

1 examination. No coroner shall refuse to examine and assist an alleged victim on the
2 grounds the alleged offense occurred outside of or the victim is not a resident of the
3 jurisdiction. Nothing in this Subsection shall relieve a licensed hospital or healthcare
4 provider of its obligations under Subsections A and B of this Section.

5 D.(1) Any member of the hospital staff or a healthcare provider who in good
6 faith notifies the appropriate law enforcement official pursuant to Paragraphs (A)(4)
7 and (A)(5) of this Section shall have immunity from any civil liability that otherwise
8 might be incurred or imposed because of the notification. The immunity shall extend
9 to participation in any judicial proceeding resulting from the report.

10 (2) The hospital or healthcare provider staff member who notifies the
11 appropriate law enforcement official shall document the date, time, and method of
12 notification and the name of the official who received the notification.

13 (3) On or before January first of each year, each law enforcement agency
14 shall provide each hospital located in its respective jurisdiction with the name of the
15 responsible contact person along with the responsible person's contact information
16 in order to comply with the provisions of this Section.

17 E.(1) The Department of Health and Hospitals, through the medical directors
18 of each of its nine regional health service districts, shall coordinate an annual sexual
19 assault response plan for each district. Each district shall submit a proposed plan for
20 review by the secretary no later than November first of each year. An approved plan
21 shall become effective February first of the following year.

22 (2) When developing the annual response plan, each district shall incorporate
23 a sexual assault response team protocol to the extent possible; however, at a
24 minimum, each district shall develop the annual plan to do all of the following:

25 (a) Provide an inventory of all available resources and existing infrastructure
26 in the region and clearly outline how the resources and infrastructure will be
27 incorporated in the most effective manner.

28 (b) Clearly outline the entity responsible for the purchase of sexual assault
29 collection kits and the standards and procedures for the storage of the kits prior to
30 use in a forensic medical examination.

1 (c) Clearly outline the standards and procedures for a victim to receive a
2 forensic medical examination, as defined in R.S. 15:622, to ensure access to such an
3 examination in every parish. The plan shall designate a hospital or healthcare
4 provider to be the lead entity for sexual assault examinations for adult victims and
5 a hospital or healthcare provider to be the lead entity for sexual assault examinations
6 for pediatric victims. The plan shall also include specific details directing first
7 responders in the transport of victims of a sexually-oriented crime, the appropriate
8 party to perform the forensic medical examination, and any required training for a
9 person performing a forensic medical examination.

10 (d) Clearly outline the standards and procedures for the handling and
11 payment of medical bills related to the forensic medical examination to clarify and
12 ensure that those standards and procedures are in compliance with this Section and
13 any other applicable section of law.

14 (e) Clearly outline the standards and procedures for the transfer of sexual
15 assault collection kits for both reported and unreported crimes to an appropriate
16 criminal justice agency or the local law enforcement agency having jurisdiction in
17 the parish in which the crime was committed, if known, or if unknown, to an
18 appropriate criminal justice agency or the local law enforcement agency having
19 jurisdiction in the parish in which the hospital or healthcare provider is located. The
20 plan shall include a maximum time period for the transfer to occur not to exceed
21 seven days after the criminal justice agency or local law enforcement agency
22 receives a request for the transfer from the hospital or healthcare provider.

23 (3) When developing the annual response plan, the department shall solicit
24 the input of interested stakeholders in the region including but not limited to all of
25 the following:

26 (a) The sheriff for each parish within the region.

27 (b) The chief of police for any political subdivision located within the region.

28 (c) All hospitals located within the region.

29 (d) The coroner for each parish within the region.

30 (e) First responder organizations located within the region.

1 (f) Higher education institutions located within the region.

2 (g) The school board for each parish located within the region.

3 (h) Sexual assault advocacy organizations and children's advocacy centers
4 providing services within the region.

5 (i) The district attorney for each parish within the region or his designee.

6 (j) Each crime lab located within the region.

7 (4) The annual response plan shall be approved by the stakeholders as
8 provided for in Paragraph (3) of this Subsection.

9 F. All sexual assault collection kits used in a forensic medical examination
10 shall meet the standards developed by the Department of Health and Hospitals and
11 the Department of Public Safety and Corrections.

12 G. For purposes of this Section the following definitions apply:

13 (1) "Forensic medical examination" has the same meaning as defined in R.S.
14 15:622.

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

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

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

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

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

1 Section 4. R.S. 46:1802(4), (7) through (10), 1806(B), (C), and (D), 1809(B)(3) and
2 (4)(a), and 1817(A) are hereby amended and reenacted and R.S. 46:1802(10.1), (11), (12),
3 and (13), 1806(E), and 1807(B)(7) are enacted to read as follows:

4 §1802. Definitions

5 As used in this Chapter:

6 * * *

7 (4) "Claimant" means a victim or a dependent of a deceased victim, or the
8 legal representative of either, an intervenor, the healthcare provider who provides
9 healthcare services associated with a forensic medical examination as defined in R.S.
10 15:622, or in the event of a death, a person who legally assumes the obligation or
11 who voluntarily pays the medical or the funeral or burial expenses incurred as a
12 direct result of the crime.

13 * * *

14 (7) "Healthcare provider" means either of the following:

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

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

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

26 (9) "Intervenor" means a person who goes to the aid of another and is killed
27 or injured in the good faith effort to prevent a crime covered by this Chapter, to
28 apprehend a person reasonably suspected of having engaged in such a crime, or to
29 aid a peace officer. "Peace officer" shall include commissioned police officers,

1 sheriffs, deputy sheriffs, marshals, deputy marshals, correctional officers, constables,
 2 wildlife enforcement agents, and probation and parole officers.

3 ~~(8)~~(10) "Pecuniary loss" means the amount of expense reasonably and
 4 necessarily incurred by reason of personal injury, as a consequence of death, or a
 5 catastrophic property loss, and includes:

6 (a) For personal injury:

7 (i) Medical, hospital, nursing, or psychiatric care or counseling, and physical
 8 therapy.

9 (ii) Actual loss of past earnings and anticipated loss of future earnings
 10 because of a disability resulting from the personal injury or the receipt of medically
 11 indicated services by a ~~child~~ victim related to the personal injury.

12 (iii) Care of a child or dependent.

13 (iv) Counseling or therapy for the parents or siblings of a child who is the
 14 victim of a sexual crime.

15 (v) Loss of support for a child victim of a sexual crime not otherwise
 16 compensated for as a pecuniary loss for personal injury.

17 (b) As a consequence of death:

18 (i) Funeral, burial, or cremation expenses.

19 (ii) Loss of support to one or more dependents not otherwise compensated
 20 for as a pecuniary loss for personal injury.

21 (iii) Care of a child or children enabling the surviving spouse of a victim or
 22 the legal custodian or caretaker of the deceased victim's child or children to engage
 23 in lawful employment, where that expense is not otherwise compensated for as a
 24 pecuniary loss for personal injury.

25 (iv) Counseling or therapy for any surviving family member of the victim
 26 or any person in close relationship to such victim.

27 (v) Crime scene cleanup.

28 (c) As to catastrophic property loss, the loss must be so great as to cause
 29 overwhelming financial effect on the victim or other claimant and shall be restricted
 30 to loss of abode.

1 (d) Any other expense associated with the collection and securing of crime
2 scene evidence.

3 ~~(8.1)~~(10.1) "Pecuniary loss" does not include loss attributable to pain and
4 suffering.

5 ~~(9)~~(11) "Reparations" means payment of compensation in accordance with
6 the provisions of this Chapter for pecuniary loss resulting from physical injury,
7 death, or catastrophic property loss by reason of a crime enumerated in this Chapter.

8 (12) "Sexually-oriented criminal offense" shall have the same meaning as
9 sex offense as defined in R.S. 15:541(24).

10 ~~(10)~~(13) "Victim" means:

11 (a) Any person who suffers personal injury, death, or catastrophic property
12 loss as a result of a crime committed in this state and covered by this Chapter. This
13 includes any person who is a victim of human trafficking as defined by R.S. 14:46.2,
14 a victim of trafficking of children for sexual purposes as defined by R.S. 14:46.3, or
15 a victim of any offense involving commercial sexual exploitation including but not
16 limited to R.S. 14:81.1, 81.3, 82, 82.1, 82.2, 83, 83.1, 83.2, 83.3, 83.4, 84, 85, 86,
17 89.2, 104, 105, and 282.

18 (b) A Louisiana resident who is a victim of an act of terrorism, as defined in
19 18 U.S.C. 2331, occurring outside the United States.

20 (c) A Louisiana resident who suffers personal injury or death as a result of
21 a crime described in R.S. 46:1805, except that the criminal act occurred outside of
22 this state. The resident shall have the same rights under this Chapter as if the act had
23 occurred in this state upon a showing that the state in which the act occurred does not
24 have an eligible crime victims reparations program and the crime would have been
25 compensable had it occurred in Louisiana. In this Subparagraph, "Louisiana
26 resident" means a person who maintained a place of permanent abode in this state
27 at the time the crime was committed for which reparations are sought.

28 * * *

29 §1806. Application; requirements; confidentiality

30 * * *

1 B.(1) An application for reparations related to a sexually-oriented criminal
2 offense shall be filed in writing with the board within one year after the date on
3 which the personal injury, death, or catastrophic property loss occurred or within
4 such longer period as the board determines is justified by the circumstances.

5 (2) A victim of a sexually-oriented criminal offense shall not be required to
6 report a sexually-oriented criminal offense to any law enforcement officer for
7 purposes of a claimant filing a valid application for reparations pursuant to this
8 Subsection.

9 (3) A claimant that files an application for reparations for personal injury or
10 death resulting from a sexually-oriented criminal offense shall submit certification
11 from a healthcare provider or coroner that a forensic medical examination of the
12 victim was conducted and an itemized billing statement for all related services
13 provided by the healthcare provider or coroner.

14 (4) The coroner shall provide certification to the healthcare provider that a
15 forensic medical examination was conducted.

16 (5) The healthcare provider shall submit certification to the board that a
17 forensic medical examination was conducted when requested by a claimant.

18 C. Application shall be made on a form prescribed and provided by the
19 board, which shall contain at least the following:

20 (1) A description of the date, nature, and circumstances of the act or acts
21 resulting in the physical injury, death, or catastrophic property loss, and of the crime,
22 if known.

23 (2) A complete financial statement, including the cost of medical care or
24 funeral, burial, or cremation expenses, the loss of wages or support, and the extent
25 of the property loss, if any, which the claimant has incurred or will incur and the
26 extent to which the claimant has been indemnified for these expenses from any
27 collateral source.

28 (3) Where appropriate, a statement indicating the extent of any disability
29 resulting from the injury incurred.

1 (4) An authorization permitting the board or its representatives to verify the
2 contents of the application.

3 (5) Such other information as the board may require.

4 ~~C.D.~~ The following information, when submitted to the board as part of an
5 application, shall be confidential:

6 (1) Documents submitted by a claimant which relate to medical treatment
7 including any itemized billing statements.

8 (2) Law enforcement investigative reports.

9 (3) Forensic medical examination.

10 ~~D.E.~~ Records, documents, and information in the possession of the board
11 received pursuant to a law enforcement investigation or a verification of application
12 by a law enforcement agency shall be considered investigative records of a law
13 enforcement agency as described in R.S. 44:3 and shall not be disseminated under
14 any condition without the permission of the agency providing the record or
15 information to the board.

16 §1807. Powers and duties of board; staff

17 * * *

18 B. In the performance of its powers and duties the board shall:

19 * * *

20 (7) Develop, adopt, and promulgate rules in the manner provided in the
21 Administrative Procedure Act and in accordance with the provisions of R.S.
22 46:1806(B). The rules shall contain specific guidelines which shall establish the
23 reasonable costs to be charged for all healthcare services or expenses ancillary to a
24 forensic medical examination which shall not exceed one thousand dollars for each
25 case.

26 * * *

27 §1809. Criteria for making awards; prohibitions; authority to deny or reduce awards

28 * * *

29 B. In making its determination, the following provisions shall apply:

30 * * *

1 (3)(a) No award of reparations shall be made if the board finds that:

2 ~~(a)~~(i) The crime was not reported within the time specified by R.S.
3 46:1806(A).

4 ~~(b)~~(ii) The claimant failed or refused to cooperate substantially with the
5 reasonable requests of appropriate law enforcement officials.

6 ~~(c)~~(iii) Reparations may substantially enrich the offender.

7 ~~(d)~~(iv) The claimant was the offender or an accessory, or that an award to the
8 claimant would unjustly benefit any of them. However, such ineligibility shall not
9 apply if the claimant is a victim of human trafficking or trafficking of children for
10 sexual purposes.

11 ~~(e)~~(v) The claim was not filed timely, as provided by R.S. 46:1806(A) and
12 (B).

13 ~~(f) Repealed by Acts 1991, No. 409, §2.~~

14 ~~(g)~~(vi) The crime was committed prior to the effective date of this Chapter.

15 (b) The ineligibility provisions provided for in Items (a)(i) and (ii) of this
16 Paragraph shall not apply if the claim for reparations results from a sexually-oriented
17 criminal offense.

18 (4) The board may deny or reduce an award:

19 (a) If it finds that the behavior of the victim at the time of the crime giving
20 rise to the claim was such that the victim bears some measure of responsibility for
21 the crime that caused the physical injury, death, or catastrophic property loss or for
22 the physical injury, death, or catastrophic property loss. However, such ineligibility
23 shall not apply if the claimant is a victim of a human trafficking-related offense as
24 defined by R.S. 46:1805 or a sexually-oriented criminal offense as defined by R.S.
25 15:622.

26 * * *

27 §1817. Notification to potential applicants

28 A.(1) Every hospital licensed under the laws of this state shall display
29 prominently in its emergency room posters giving notification of the existence of the
30 crime victims reparations program. The board shall set standards for the location of

1 the display and shall provide posters and general information regarding this Chapter
2 to each hospital.

3 (2) Every hospital and healthcare provider licensed under the laws of this
4 state shall make available to hospitals and healthcare providers a pamphlet
5 containing an explanation of the billing process for services rendered pursuant to the
6 provisions of R.S. 40:1300.41.

7 * * *

8 Section 5. R.S. 40:2109.1 is hereby repealed in its entirety.

9 Section 6. This Act shall become effective upon signature by the governor or, if not
10 signed by the governor, upon expiration of the time for bills to become law without signature
11 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
12 vetoed by the governor and subsequently approved by the legislature, this Act shall become
13 effective on the day following such approval.

14 Section 7. The provisions of this Act shall apply to any victim of a sexually-oriented
15 criminal offense that occurred on or after January 13, 2015, in accordance with emergency
16 rules promulgated by the Crime Victims Reparations Board and pursuant to Executive Order
17 BJ 14-17, which provides relative to the administrative rules, policies, and practices for
18 medical expenses and examinations related to victims of a sexually-oriented criminal
19 offense.

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____