

2026 Regular Session

HOUSE BILL NO. 676

BY REPRESENTATIVE SPELL

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; and to provide for related matters.

5 Be it enacted by the Legislature of Louisiana:

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

7 §70.5.1. Fraudulent patient referrals; "body brokering"

8 A. No person shall knowingly or intentionally, directly or indirectly, overtly
9 or covertly, in cash or in kind, do either of the following:

10 (1) Solicit, offer, pay, or receive any fee, payment, rebate, or commission,
11 including but not limited to bribes or kickbacks to or from a person for the referral
12 of a patient to a residential substance abuse facility, mental health facility, or a
13 facility licensed for substance use disorder treatment or services.

14 (2) Assist, conspire with, urge, or market to any person to make, furnish, or
15 receive any fee, payment, rebate, or commission, including but not limited to bribes
16 or kickbacks in violation of this Section.

17 B. The provisions of this Section do not apply to a person who makes,
18 receives, or otherwise furnishes any fee, payment, commission, or rebate that does
19 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) "Health care facility" means an institution providing health care services
13 or a health care setting, including but not limited to hospitals and other licensed
14 inpatient centers, ambulatory surgical or treatment centers, skilled nursing centers,
15 diagnostic, laboratory, or imaging centers, and rehabilitation and other therapeutic
16 health settings.

17 (2) "Health care provider" means a person, partnership, or corporation
18 licensed by the state to provide health care or professional services as a physician,
19 chiropractor, dentist, dental hygienist, podiatrist, optometrist, physical therapist,
20 psychologist, medical psychologist, licensed professional counselor, registered or
21 licensed practical nurse, pharmacist, and any officer, employee, or agent of these
22 individuals or entities acting in the course and scope of his employment.

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

26 (4) "Residential substance abuse facility" means any licensed behavioral
27 health service provider with a residential substance use disorder treatment facility
28 module.

1 D.(1) Whoever violates the provisions of this Section shall be imprisoned
2 with or without hard labor for not more than five years, fined not more than fifty
3 thousand dollars, or both.

4 (2) In addition to the penalty provided in Paragraph (1) of this Subsection,
5 the offender may be subject to all of the following:

6 (a) Suspension or revocation of his license or other credentials by the
7 appropriate board pursuant to R.S. 37:1745(C).

8 (b) A civil fine of not more than twenty five thousand dollars.

9 (c) Any other applicable civil fine that may be assessed by the Louisiana
10 Department of Health in accordance with R.S. 40:2199.

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

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 Original

2026 Regular Session

Spell

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

Proposed law provides that no person shall knowingly or intentionally, directly or indirectly, overtly or covertly, in cash or in kind, do either of the following:

- (1) Solicit, offer, pay, or receive any fee, payment, rebate, or commission, including but not limited to bribes or kickbacks to or from a person 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) Assist, conspire with, urge, or market to any person to make, furnish, or receive any fee, payment, rebate, or commission, including but not limited to bribes or kickbacks in violation of proposed law.

Proposed law provides for exceptions.

Proposed law defines the terms "health care facility", "health care provider", "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 permits additional penalties as follows:

- (1) Suspension or revocation of the offender's license or other credentials by the appropriate board pursuant to present law (R.S. 37:1745(C)).
- (2) A maximum civil fine of \$25,000.
- (3) Any other applicable civil fine that may be assessed by the La. Dept. of Health in accordance with present law (R.S. 40:2199).

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).

(Adds R.S. 14:70.5.1)