

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; 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, directly or indirectly, overtly
10 or covertly, in cash or in kind, do either of the following:

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

15 (2) Assist, conspire with, urge, or market to any person to make, furnish, or
16 receive any fee, payment, rebate, or commission, including but not limited to bribes
17 or kickbacks for the referral of a patient to a residential substance abuse facility,
18 mental health facility, or a facility licensed for substance use disorder treatment or
19 services.

1 B. The provisions of this Section do not apply to a person who makes,
2 receives, or otherwise furnishes any fee, payment, commission, or rebate that does
3 not vary based on any of the following:

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

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

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

13 C. For the purposes of this Section, the following terms have the following
14 meanings:

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

18 (2) "Residential substance abuse facility" means any licensed behavioral
19 health service provider with a residential substance use disorder treatment facility
20 module.

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

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

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

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

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

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

7 Section 2. This Act shall become effective upon signature by the governor or, if not
8 signed by the governor, upon expiration of the time for bills to become law without signature
9 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
10 vetoed by the governor and subsequently approved by the legislature, this Act shall become
11 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 Engrossed

2026 Regular Session

Spell

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

Proposed law prohibits a person from knowingly or intentionally, directly or indirectly, overtly or covertly, in cash or in kind, doing either of the following:

- (1) Soliciting, offering, paying, or receiving any fee, payment, rebate, or commission, including but not limited to bribes or kickbacks 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) Assisting, conspiring with, urging, or marketing to any person to make, furnish, or receive any fee, payment, rebate, or commission, including but not limited to bribes or kickbacks 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 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).

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.