

Regular Session, 2008

# ACT No. 578

HOUSE BILL NO. 335

BY REPRESENTATIVES WILLMOTT, JOHNSON, AND LOPINTO

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AN ACT

To amend and reenact R.S. 9:315.5 and 315.16(A) and to enact R.S. 9:315.16(B)(11) and R.S. 46:236.1.11, relative to child support; to provide for the time period for determining extraordinary medical expenses; to provide for the review of the guidelines; to provide for the membership of the review committee; to provide for certain electronic data matching and cooperation between the Department of Social Services and certain insurance companies; to provide relative to disclosure of certain information and to liability; to provide terms, conditions, procedures, and requirements; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 9:315.5 and 315.16(A) are hereby amended and reenacted and R.S. 9:315.16(B)(11) is hereby enacted to read as follows:

§315.5. Extraordinary medical expenses; addition to basic obligation

By agreement of the parties or order of the court, extraordinary medical expenses incurred on behalf of the child shall be added to the basic child support obligation. Extraordinary medical expenses are unreimbursed medical expenses which exceed two hundred fifty dollars per child per calendar year.

\* \* \*

§315.16. Review of guidelines

A. The guidelines set forth in this Part shall be reviewed by the legislature not less than once every four years. A review of the guidelines shall take place in ~~2008~~ 2012 and every four years thereafter, and it shall be the responsibility of the office of family support, support enforcement services of the Department of Social Services, and the Louisiana District Attorneys Association, in consultation with the

1 child support review committee provided in Subsection B of this Section, to obtain  
2 all information required to comply with the provisions of 42 U.S.C. §667(a) and  
3 present the same to the legislature sixty days prior to the beginning of the 2008  
4 Regular Session of the Legislature and every four years thereafter.

5 B. The child support review committee shall serve without compensation,  
6 except for the members of the legislature who shall receive a per diem as provided  
7 by law, and shall consist of the following members:

8 \* \* \*

9 (11) The president or designee of the Louisiana Hearing Officers'  
10 Association.

11 Section 2. R.S. 46:236.1.11 is hereby enacted to read as follows:

12 §236.1.11. Family and child support programs; insurance companies; data matching  
13 and cooperation; responsibilities

14 A.(1) The department shall be authorized to obtain, through an interagency  
15 agreement with Department of Health and Hospitals, health insurance enrollment  
16 data currently being provided in accordance with federal law and R.S. 44:14.

17 (2) The provisions of Paragraph (A)(1) of this Section shall not apply to the  
18 following types of insurance: limited benefit health and accident; Civilian Health and  
19 Medical Program of the Uniformed Services (CHAMPUS); dental; disability  
20 income; fixed indemnity; long-term care; Medicare supplement; Medicare  
21 Advantage; specified disease; vision; basic hospital expense; and basic medical-  
22 surgical expense.

23 B.(1) If any state employee or any person working under a contract with the  
24 state knowingly, or by reason of gross negligence, discloses data match information  
25 of an individual in violation of any provision of this Section, the aggrieved individual  
26 may bring a civil action for damages against such person in any court of competent  
27 jurisdiction of this state in accordance with Subsection C of this Section.

28 (2) No liability shall arise under this Section with respect to any disclosure  
29 which results from a good faith, but erroneous, interpretation of this Section except  
30 in cases of gross negligence.

1                    C. In any action brought under this Section for unauthorized disclosure, upon  
2                    a finding of liability on the part of the defendant, the defendant shall be liable to the  
3                    aggrieved individual in an amount equal to the greater of one thousand dollars for  
4                    each act of unauthorized disclosure of data match information with respect to which  
5                    such defendant is found liable or the actual damages sustained by the aggrieved  
6                    individual as a result of such unauthorized disclosure. In the case of a willful  
7                    disclosure or a disclosure which is the result of gross negligence, the defendant shall  
8                    be liable for punitive damages and all costs and attorney fees.

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SPEAKER OF THE HOUSE OF REPRESENTATIVES

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PRESIDENT OF THE SENATE

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GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: \_\_\_\_\_