

By: Lozano

H.B. No. 4651

A BILL TO BE ENTITLED

AN ACT

relating to compensation for health care services under the Crime
Victims' Compensation Act

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. This Act shall be known as Sherry's Law.

SECTION 2. Art. 56B.104, Code of Criminal Procedure, is
amended to read as follows:

Art. 56B.104. COMPENSATION FOR HEALTH CARE
SERVICES. (a) The attorney general shall award compensation for
health care services according to the medical fee guidelines
prescribed by Subtitle A, Title 5, Labor Code.

(b) The attorney general, a claimant, or a victim is not
liable for health care service charges that exceed the medical fee
guidelines. A health care provider shall accept compensation from
the attorney general as payment in full for the charges unless an
investigation of the charges by the attorney general determines
that there is a reasonable health care justification for the
deviation from the guidelines.

(c) The attorney general may not compensate a claimant or
victim for health care services that the attorney general
determines are not medically necessary.

(d) The attorney general, a claimant, or a victim is not
liable for a charge that is not medically necessary.

SECTION 3. Art. 56B.106, Code of Criminal Procedure, is

1 amended to read as follows:

2 Art. 56B.106. LIMITS ON COMPENSATION. (a) Except as
3 otherwise provided by this article, awards payable to a victim and
4 any other claimant sustaining pecuniary loss because of injury or
5 death of that victim may not exceed ~~\$50,000~~ \$100,000 in the
6 aggregate.

7 (b) In addition to an award payable under Subsection (a),
8 the attorney general may award not more than ~~\$75,000~~ \$150,000 for
9 extraordinary pecuniary loss if the personal injury to a victim is
10 catastrophic and results in a total and permanent disability to the
11 victim and permanent loss of use of both hands and or both legs. An
12 award described by this subsection may shall be made by the first
13 anniversary of the criminally injurious conduct and annually
14 thereafter for lost wages and the reasonable and necessary costs
15 of:

- 16 (1) making a home or motor vehicle accessible;
- 17 (2) obtaining job training and vocational
18 rehabilitation;
- 19 (3) training in the use of a special appliance;
- 20 (4) receiving home health care;
- 21 (5) durable medical equipment;
- 22 (6) rehabilitation technology; and
- 23 (7) long-term medical expenses incurred as a result of
24 medically indicated treatment for the personal injury.

25 (8) Cost incurred for the rehabilitation of a victim's
26 residence to allow for ease of maneuverability from or as a result
27 of their injuries.

1 SECTION 4. This Act takes effect September 1, 2023.