

Regular Session, 2010

HOUSE BILL NO. 1159

BY REPRESENTATIVE GREENE

HEALTH CARE/RECORDS: Provides relative to fees paid for copying medical records

1 AN ACT

2 To amend and reenact R.S. 40:1299.96(A)(2)(b), relative to charges for health care records;
3 to provide for the fees charged for copying records; to prohibit additional charges
4 for providing copies of records; to provide for exceptions; and to provide for related
5 matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 40:1299.96(A)(2)(b) is hereby amended and reenacted to read as
8 follows:

9 §1299.96. Health care information; records

10 A.

11 * * *

12 (2)

13 * * *

14 (b)(i) Except as provided in R.S. 44:17, a patient or his legal representative,
15 or in the case of a deceased patient, the executor of his will, the administrator of his
16 estate, the surviving spouse, the parents, or the children of the deceased patient, or
17 after a claim has been made, the insurance company or its counsel, or, after suit has
18 been instituted, defense counsel or a defendant seeking any treatment record,
19 including but not limited to any medical, hospital, invoice or billing statement, or
20 other record relating to or generated as a result of or in connection to the patient's

1 medical treatment, history, or condition, either personally or through an attorney,
2 shall have a right to obtain a copy of ~~such record~~ the entirety of the records in the
3 form by which they are generated, except microfilm, upon furnishing a signed
4 authorization. If the original treatment records are generated, maintained, or stored
5 in paper form, copies shall be provided and upon payment of a reasonable copying
6 charge, not to exceed one dollar per page for the first twenty-five pages, fifty cents
7 per page for twenty-six to ~~five hundred~~ three hundred fifty pages, and twenty-five
8 cents per page thereafter, a handling charge not to exceed ~~fifteen~~ twenty-five dollars
9 for hospitals, nursing homes, and other health care providers, and actual postage. If
10 treatment records are generated, maintained, or stored in digital format, copies may
11 be requested to be provided in digital format and charged at the rate provided by this
12 Item; however, the charges for providing digital copies shall not exceed one hundred
13 dollars, including all postage and handling charges actually incurred. If requested,
14 the health care provider shall provide the requestor, at no extra charge, a certification
15 page setting forth the extent of the completeness of records on file. In the event a
16 hospital record is not complete, the copy of the records furnished shall indicate,
17 through a stamp, coversheet, or otherwise, the extent of completeness of the records.
18 Each request for records submitted by the patient or other person authorized to
19 request records pursuant to the provisions of this Subparagraph shall be subject to
20 only one handling charge, and the health care provider shall not divide the separate
21 requests for different types of records. The health care provider shall not charge any
22 other fee which is not specifically authorized by the provisions of this Subparagraph,
23 except for notary fees and fees for expedited requests as contracted by the parties.
24 (ii) The individuals ~~named herein~~ authorized to obtain medical records
25 pursuant to Item (i) of this Subparagraph shall also have the right to obtain copies of
26 patient X-rays, ~~microfilm, and electronic and~~ and other imaging media, upon
27 payment of reasonable reproduction costs and a handling charge of twenty dollars
28 for hospitals and ten dollars for other health care providers. If the patient X-rays and
29 other imaging media are generated, maintained, or stored in digital format, copies

1 may be requested to be provided in digital format and charged at the rate provided
2 by this Item; however, the charges for providing digital copies shall not exceed two
3 hundred dollars, including all postage and handling charges actually incurred. If
4 requested, the health care provider shall provide the requestor, at no extra charge, a
5 certification page setting forth the completeness of the X-rays and other imaging
6 media on file. In the event a hospital record is hospital patient X-rays and other
7 imaging media are not complete, the copy of the records furnished hereunder may
8 copies furnished shall indicate, through a stamp, coversheet, or otherwise, that the
9 record is incomplete the extent of the completeness of the records. Each request for
10 copies of patient X-rays and other imaging media submitted by the patient or other
11 person authorized to request records pursuant to Item (i) of this Subparagraph shall
12 not be considered a separate request and are subject to only one handling charge, and
13 the health care provider shall not divide the requests for different types of X-rays and
14 other imaging media. The health care provider shall not charge any other fee which
15 is not specifically authorized by the provisions of this Subparagraph, except for
16 notary fees and fees for expedited requests as contracted by the parties.

* * *

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)]

Greene

HB No. 1159

Abstract: Specifies the fees which may be charged for copying and delivering medical records and provides that only statutorily authorized fees may be charged for copying and delivering medical records.

Present law authorizes certain persons to obtain medical records from hospitals and health care providers and authorizes the copying and handling fees and charges which a hospital or health care provider may charge for copying and delivering the records.

Proposed law provides that a patient or his attorney has a right to obtain the entirety of the patient's records in the form by which they are generated, except microfilm, and specifies the charges authorized for obtaining treatment records which are generated, maintained, or stored in paper form.

Proposed law increases the authorized handling charge from \$15 to \$25.

Proposed law provides that if treatment records, X-rays, and other imaging media are generated, maintained, or stored in digital format; copies may be requested to be delivered in digital format, subject to the charges authorized by statute.

Proposed law provides a maximum charge of \$100 for producing digital treatment records and a maximum charge of \$200 for producing digital X-rays and other imaging media.

Proposed law prohibits health care providers from charging any additional fees for copying and delivering treatment records, X-rays, and other imaging media. Provides an exception for notary fees and fees for expedited requests.

(Amends R.S. 40:1299.96(A)(2)(b))

Summary of Amendments Adopted by House

Committee Amendments Proposed by House Committee on Civil Law and Procedure to the original bill.

1. Added provisions specifying that the patient has the right to obtain the entirety of his records in the form generated, except microfilm.
2. Increased the handling charge for treatment records from \$15 to \$25.
3. Authorized the production of treatment records, X-rays, and other imaging media in digital format and added maximum fees which may be charged for certain digital records.
4. Prohibited health care providers from charging additional fees, except for notary fees and fees for expedited requests.