

Regular Session, 2010
HOUSE BILL NO. 1159
BY REPRESENTATIVE GREENE

ACT No. 740

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 for
4 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
21 medical treatment, history, or condition, either personally or through an attorney,
22 shall have a right to obtain a copy of ~~such record~~ the entirety of the records in the
23 form by which they are generated, except microfilm, upon furnishing a signed
24 authorization. If the original treatment records are generated, maintained, or stored

1 in paper form, copies shall be provided and upon payment of a reasonable copying
2 charge, not to exceed one dollar per page for the first twenty-five pages, fifty cents
3 per page for twenty-six to ~~five hundred~~ three hundred fifty pages, and twenty-five
4 cents per page thereafter, a handling charge not to exceed ~~fifteen~~ twenty-five dollars
5 for hospitals, nursing homes, and other health care providers, and actual postage. If
6 treatment records are generated, maintained, or stored in digital format, copies may
7 be requested to be provided in digital format and charged at the rate provided by this
8 Item; however, the charges for providing digital copies shall not exceed one hundred
9 dollars, including all postage and handling charges actually incurred. If requested,
10 the health care provider shall provide the requestor, at no extra charge, a certification
11 page setting forth the extent of the completeness of records on file. In the event a
12 hospital record is not complete, the copy of the records furnished shall indicate,
13 through a stamp, coversheet, or otherwise, the extent of completeness of the records.
14 Each request for records submitted by the patient or other person authorized to
15 request records pursuant to the provisions of this Subparagraph shall be subject to
16 only one handling charge, and the health care provider shall not divide the separate
17 requests for different types of records, including but not limited to billing or invoice
18 statements. The health care provider shall not charge any other fee which is not
19 specifically authorized by the provisions of this Subparagraph, except for notary fees
20 and fees for expedited requests as contracted by the parties.

21 (ii) The individuals ~~named herein~~ authorized to obtain medical records
22 pursuant to Item (i) of this Subparagraph shall also have the right to obtain copies of
23 patient X-rays, ~~microfilm, and electronic and~~ and other imaging media, upon
24 payment of reasonable reproduction costs and a handling charge of twenty dollars
25 for hospitals and ten dollars for other health care providers. If the patient X-rays and
26 other imaging media are generated, maintained, or stored in digital format, copies
27 may be requested to be provided in digital format and charged at the rate provided
28 by this Item; however, the charges for providing digital imaging media copies shall
29 not exceed two hundred dollars, including all postage and handling charges actually
30 incurred. If requested, the health care provider shall provide the requestor, at no

