

2018 Regular Session

HOUSE BILL NO. 159

BY REPRESENTATIVE FOIL AND SENATOR CLAITOR

HEALTH CARE/RECORDS: Authorizes and provides protection for the release of medical and biological material information to coroners during investigations

1 AN ACT

2 To amend and reenact R.S. 13:3734(G) and to enact R.S. 13:3734(H), relative to the
3 disclosure of privileged communications between healthcare providers and patients;
4 to provide for the release of certain medical information to coroners for
5 investigations; to provide for the release of certain biological material to coroners for
6 investigations; to provide for liability coverage in releasing this information to
7 coroners in this state and other states; and to provide for related matters.

8 Be it enacted by the Legislature of Louisiana:

9 Section 1. R.S. 13:3734(G) is hereby amended and reenacted and R.S. 13:3734(H)
10 is hereby enacted to read as follows:

11 §3734. Privileged communication between health care provider and patient

12 * * *

13 G.(1) Notwithstanding any law to the contrary, when conducting any
14 investigation, the coroner or his authorized agents or employees may obtain any
15 blood, urine, or other biological fluids which he deems relevant to the investigation.
16 Such blood, urine, or other biological fluids may be made available to him by the
17 custodian thereof without the necessity of authorization, subpoena, or court order.

18 (2) No healthcare provider, custodian of records, or officer, employee, or
19 agent thereof shall be held civilly or criminally liable for the release of a patient's

1 blood, urine, or other biological fluids, including any communication defined herein,
2 when that disclosure is made pursuant to a request by the coroner or his authorized
3 agents or employees.

4 H. Notwithstanding any provision of this Section or any other law to the
5 contrary, an official of another state, whose functions are comparable to those of a
6 coroner in this state and who is conducting an investigation in which Louisiana
7 medical or dental records are material evidence, may request authorization for the
8 release of those records from the coroner of the parish in which the custodian of the
9 records is located. If the coroner determines that the requested records are relevant
10 to the out-of-state investigation and the release of those records is appropriate, then
11 the coroner shall authorize the custodian of those records to release those records to
12 the requesting official. No health care provider, custodian of records, or officer,
13 employee, or agent thereof shall be held civilly or criminally liable for the disclosure
14 of a patient's records, including any communication defined herein, pursuant to a
15 release authorized by the coroner.

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 159 Original

2018 Regular Session

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Abstract: Authorizes and provides liability protection for persons authorized to release patient medical information and biological fluid information to coroners when conducting investigations.

Present law authorizes the coroner to access certain records when conducting an investigation. Those records include medical and dental records he deems relevant to the investigation.

Present law provides for liability protection for authorized personnel in releasing that information to coroners for investigations.

Proposed law adds blood, urine, or other biological fluids to the information authorized personnel can release to coroners with liability protection.

(Amends R.S. 13:3734(G); Adds R.S. 13:3734(H))