HLS 24RS-70 ENGROSSED

2024 Regular Session

HOUSE BILL NO. 27

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BY REPRESENTATIVE MELERINE

CIVIL/PROCEDURE: Authorizes service of process by commercial courier

AN ACT

2 To amend and reenact R.S. 13:3715.1(B)(1), relative to service of process; to provide for 3 delivery of notice of subpoena for medical records by commercial courier; and to 4 provide for related matters. 5 Be it enacted by the Legislature of Louisiana: 6 Section 1. R.S. 13:3715.1(B)(1) is hereby amended and reenacted to read as follows: 7 §3715.1. Medical or hospital records of a patient; subpoena duces tecum and court 8 order to a health care provider; reimbursement for records produced 9 10 B. The exclusive method by which medical, hospital, or other records 11 relating to a person's medical treatment, history, or condition may be obtained or 12 disclosed by a health care provider, shall be pursuant to and in accordance with the 13 provisions of R.S. 40:1165.1 or Code of Evidence Article 510, or a lawful subpoena 14 or court order obtained in the following manner: 15 (1) A health care provider shall disclose records of a patient who is a party 16 to litigation pursuant to a subpoena issued in that litigation, whether for purposes of 17 deposition or for trial and whether issued in a civil, criminal, workers' compensation, 18 or other proceeding, but only if: the health care provider has received an affidavit 19 of the party or the party's attorney at whose request the subpoena has been issued that 20 attests to the fact that such subpoena is for the records of a party to the litigation and

CODING: Words in struck through type are deletions from existing law; words <u>underscored</u> are additions.

that notice of the subpoena has been mailed by registered or certified mail or delivered by commercial courier as defined in Code of Civil Procedure Article 1313(D) to the patient whose records are sought, or, if represented, to his counsel of record, at least seven days prior to the issuance of the subpoena; and the subpoena is served on the health care provider at least seven days prior to the date on which the records are to be disclosed, and the health care provider has not received a copy of a petition or motion indicating that the patient has taken legal action to restrain the release of the records. If the requesting party is the patient or, if represented, the attorney for the patient, the affidavit shall state that the patient authorizes the release of the records pursuant to the subpoena. No such subpoena shall be issued by any clerk unless the required affidavit is included with the request.

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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)]

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2024 Regular Session

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Abstract: Provides for service of process by commercial courier for medical records.

<u>Present law</u> provides that a health care provider shall disclose records of a patient who is a party to litigation pursuant to subpoena issued in that litigation if the health care provider received an affidavit of the party or the party's attorney at whose request the subpoena has been issued that attests to the fact that such subpoena is for the records of a party of the litigation and that notice of the subpoena has been mailed by registered or certified mail to the patient whose records are sought.

<u>Proposed law</u> expands <u>present law</u> to provide that the notice of the subpoena may be delivered by commercial courier as defined by C.C.P. Art. 1313(D).

(Amends R.S. 13:3715.1(B)(1))