

Regular Session, 2011

SENATE BILL NO. 27

BY SENATOR AMEDEE

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

HEALTH CARE. Provides for the individuals who may receive a patient's medical records.
(8/15/11)

1 AN ACT

2 To amend and reenact R.S. 40:1299.96(A)(2)(b)(i), relative to health care information; to

3 provide for health care records; to provide for the persons who have the right to

4 obtain a patient's medical records; and to provide for related matters.

5 Be it enacted by the Legislature of Louisiana:

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

7 follows:

8 §1299.96. Health care information; records

9 A. * * *

10 (2) * * *

11 (b)(i) Except as provided in R.S. 44:17, a patient or ~~his legal representative~~

12 **any person or legal entity authorized by the patient**, or in the case of a deceased

13 patient, the executor of his will, the administrator of his estate, the surviving spouse,

14 the parents, or the children of the deceased patient, or after a claim has been made,

15 the insurance company or its counsel, or, after suit has been instituted, defense

16 counsel or a defendant seeking any treatment record, including but not limited to any

17 medical, hospital, laboratory, invoice or billing statement, or other record, including

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

26 * * *

The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Greg Waddell.

DIGEST

Present law provides that a patient or his legal representative shall have the right to obtain copies of the patient's medical records from a health care provider.

Proposed law expands the class of persons who shall have the right to obtain copies of the patient's medical records from the patient's legal representative to any person or legal entity authorized by the patient.

Effective August 15, 2011.

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