

SENATE BILL NO. 27

BY SENATOR AMEDEE

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

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AN ACT

To amend and reenact R.S. 40:1299.96(A)(2)(b)(i) and (C), relative to health care information; to provide for health care records; to provide for the persons who have the right to obtain a patient's medical records; to provide for exceptions; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

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

§1299.96. Health care information; records

- A. \* \* \*
- (2) \* \* \*

(b)(i) Except as provided in R.S. 44:17, a patient or his legal representative, or in the case of a deceased patient, the executor of his will, the administrator of his estate, the surviving spouse, the parents, or the children of the deceased patient, or after a claim has been made, the insurance company or its counsel, or, after suit has been instituted, defense counsel or a defendant seeking any treatment record, including but not limited to any medical, hospital, laboratory, invoice or billing statement, or other record, including test results, relating to or generated as a result of or in connection to the patient's medical treatment, history, or condition, either personally or through an attorney, shall have a right to obtain a copy of the entirety of the records in the form by which they are generated, except microfilm, upon furnishing a signed authorization. If the original treatment records are generated, maintained, or stored in paper form, copies shall be provided upon payment of a

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

23 \* \* \*

24 C.**(1)** The provisions of this Section shall not be applicable to a health care  
 25 provider who has evaluated or examined a patient at the request of any agency of the  
 26 state or federal government in charge of the administration of any of the assistance  
 27 or entitlement programs under the Social Security Act. The records of such  
 28 evaluation or examination shall be retained for ninety days after mailing or upon  
 29 proof of receipt of the records, whichever period is shorter. Nothing herein shall be  
 30 construed as limiting or prohibiting the access to health care information and records

1 of a patient that are retained by the Social Security Administration in any legally  
2 permissible manner under state law that is not contrary to federal law or regulation.

3 (2) A person or entity otherwise subject to the provisions of this Section  
4 who provides medical records to a nonprofit organization assisting with social  
5 security or medicaid applications may waive or charge an amount less than the  
6 maximum charges set forth in Item (A)(2)(b)(i) of this Section.

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PRESIDENT OF THE SENATE

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SPEAKER OF THE HOUSE OF REPRESENTATIVES

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GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: \_\_\_\_\_