

Regular Session, 2010

HOUSE BILL NO. 987

BY REPRESENTATIVE GARY SMITH

HEALTH CARE/RECORDS: Prohibits laboratory or medical facilities from withholding test results to individuals

1 AN ACT

2 To amend and reenact R.S. 40:1299.41(A)(10) and 1299.96(A)(2)(b) and to enact R.S.
3 40:1299.96(A)(4), relative to health care information; to provide for definitions; to
4 provide for the report of certain test results directly to the patient; to require
5 reporting to the health care professional who requested the test under certain
6 circumstances; to require verification of patient identification prior to the delivery
7 of test results; to prohibit the liability of clinical laboratories or medical facilities that
8 comply with statutory reporting requirements; and to provide for related matters.

9 Be it enacted by the Legislature of Louisiana:

10 Section 1. R.S. 40:1299.41(A)(10) and 1299.96(A)(2)(b) are hereby amended and
11 reenacted and R.S. 40:1299.96(A)(4) is hereby enacted to read as follows:

12 §1299.41. Definitions and general applications

13 A. As used in this Part:

14 * * *

15 (10) "Health care provider" means a person, partnership, limited liability
16 partnership, limited liability company, corporation, facility, or institution licensed
17 or certified by this state to provide health care or professional services as a physician,
18 hospital, clinical laboratory, medical facility, nursing home, community blood
19 center, tissue bank, dentist, registered or licensed practical nurse or certified nurse
20 assistant, offshore health service provider, ambulance service under circumstances

1 in which the provisions of R.S. 40:1299.39 are not applicable, certified registered
 2 nurse anesthetist, nurse midwife, licensed midwife, nurse practitioner, clinical nurse
 3 specialist, pharmacist, optometrist, podiatrist, chiropractor, physical therapist,
 4 occupational therapist, psychologist, social worker, licensed professional counselor,
 5 licensed perfusionist, or any nonprofit facility considered tax-exempt under Section
 6 501(c)(3), Internal Revenue Code, pursuant to 26 U.S.C. 501(c)(3), for the diagnosis
 7 and treatment of cancer or cancer-related diseases, whether or not such a facility is
 8 required to be licensed by this state, or any professional corporation a health care
 9 provider is authorized to form under the provisions of Title 12 of the Louisiana
 10 Revised Statutes of 1950, or any partnership, limited liability partnership, limited
 11 liability company, management company, or corporation whose business is
 12 conducted principally by health care providers, or an officer, employee, partner,
 13 member, shareholder, or agent thereof acting in the course and scope of his
 14 employment.

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16 §1299.96. Health care information; records

17 A.

* * *

19 (2)

* * *

21 (b) Except as provided in R.S. 44:17, a patient or his legal representative, or
 22 in the case of a deceased patient, the executor of his will, the administrator of his
 23 estate, the surviving spouse, the parents, or the children of the deceased patient, or
 24 after a claim has been made, the insurance company or its counsel, or, after suit has
 25 been instituted, defense counsel or a defendant seeking any medical, hospital,
 26 laboratory, or other record, including test results, relating to the patient's medical
 27 treatment, history, or condition, either personally or through an attorney, shall have
 28 a right to obtain a copy of such record upon furnishing a signed authorization and
 29 upon payment of a reasonable copying charge, not to exceed one dollar per page for

1 the first twenty-five pages, fifty cents per page for twenty-six to five hundred pages,
2 and twenty-five cents per page thereafter, a handling charge not to exceed fifteen
3 dollars for hospitals, nursing homes, and other health care providers, and actual
4 postage. If requested, the health care provider shall provide the requestor, at no extra
5 charge, a certification page setting forth the completeness of records on file. The
6 individuals named herein shall also have the right to obtain copies of patient X-rays,
7 microfilm, and electronic and imaging media, upon payment of reasonable
8 reproduction costs and a handling charge of twenty dollars for hospitals and ten
9 dollars for other health care providers. In the event a hospital record is not complete,
10 the copy of the records furnished hereunder may indicate, through a stamp,
11 coversheet, or otherwise, that the record is incomplete.

12 * * *

13 (4)(a) Any person conducting or operating a clinical laboratory or medical
14 facility shall report results to the patient who is the subject of the test upon the
15 request of that patient. No approval of a physician or surgeon shall be required for
16 a patient's test results to be reported to that patient.

17 (b) Whenever a clinical laboratory or medical facility provides the test
18 results to a patient directly pursuant to this Paragraph, that facility or laboratory shall
19 also report those results to the health care professional who ordered that laboratory
20 test.

21 (c) Notwithstanding any other statutory provision to the contrary, the clinical
22 laboratory or medical facility shall only deliver the requested test results directly to
23 the patient who is the subject of the test after verifying the identification of the
24 patient, and may deliver those results by mail to the patient, or any other person or
25 representative of the patient, if the facility has written certification by the patient
26 verifying his identity and express authorization to deliver such results by mail.

27 (d) Release of results of clinical laboratory or medical facility tests directly
28 to a patient pursuant to this Paragraph by that laboratory or facility shall not result

