

HOUSE SUMMARY OF SENATE AMENDMENTS

HB 537

2016 Regular Session

Garofalo

CIVIL/DISCOVERY: Provides relative to applicable fees and costs incurred for the production of records

Synopsis of Senate Amendments

1. Changes the language in proposed law from records that are stored in a particular format to records that exist in a particular format.

Digest of Bill as Finally Passed by Senate

Present law provides that each health care provider shall furnish each patient, upon request of the patient, a copy of any information related to the patient which the health care provider has transmitted to any company, or public or private agency, or person.

Present law provides that medical records of a patient maintained in a health care provider's office are the property and business records of the health care provider.

Present law provides that a patient, his legal representative, and certain other persons have a right to obtain a copy of the entirety of the medical records in the form by which they are generated. If the original treatment records are generated, maintained, or stored in paper form, copies shall be provided upon payment of a reasonable copying charge as further specified in present law.

Proposed law provides that a patient, his legal representative, and certain other persons shall have a right to obtain a copy of the entirety of the medical records in the form in which they exist.

Present law provides that if records are generated, maintained, or stored in paper form, copies shall be provided upon payment of a copying charge as provided by present law.

Proposed law provides that if records exist in paper form, paper or digital copies shall be provided upon payment of a copying charge as provided by present law.

Present law provides that if records are generated, maintained, or stored in digital format, copies may be requested in digital format and charged as provided by present law.

Proposed law provides that if digital records exist, copies shall be provided in digital format if they are requested in digital format and charged as provided by present law, but also specifies that the maximum \$100 charge only applies to copies stored in digital format.

Present law provides that the maximum authorized charges of \$100 for records and \$200 for X-rays and other imaging includes all postage and handling.

Proposed law excludes postage charges from the \$100 and \$200 maximum charges.

Proposed law provides that if the treatment records are stored in both digital form and paper form, the maximum limit of \$100 shall apply only to the portion of records stored in digital form.

(Amends R.S. 40:1165.1(A)(2)(b)(i) and (ii))