

**RÉSUMÉ DIGEST****ACT 627 (HB 537)****2016 Regular Session****Garofalo**

Existing 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.

Existing 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.

Existing 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 existing law.

New 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.

Prior law provided that if records were generated, maintained, or stored in paper form, copies were required to be provided upon payment of a copying charge as provided by existing law.

New 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 existing law.

Prior law provided that if records were generated, maintained, or stored in digital format, copies could be requested in digital format and charged as provided by existing law.

New 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 existing law, but also specifies that the maximum \$100 charge only applies to copies stored in digital format.

Prior law provided that the maximum authorized charges of \$100 for records and \$200 for X-rays and other imaging included all postage and handling.

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

New 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.

Effective August 1, 2016.

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