

2018 Regular Session

SENATE BILL NO. 81

BY SENATOR CLAITOR

CORONERS. Authorizes the coroner to obtain blood, urine, or other biological fluids or samples relevant to an investigation. (8/1/18)

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AN ACT

To enact R.S. 13:3734(H), relative to coroners; to provide relative to coroners' investigations; to provide relative to certain biological fluids or samples; to provide relative to the release of biological fluids or samples to coroners; to provide relative to custodians of records; to provide relative to liability; to provide for exceptions; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 13:3734(H) is hereby enacted to read as follows:

§3734. Privileged communication between health care provider and patient

\* \* \*

**H. Notwithstanding any provision of law to the contrary, when conducting any investigation, the coroner or his authorized agents or employees may obtain any blood, urine, or other biological fluids or samples which he deems relevant to the investigation, the records of which would otherwise be available to the coroner pursuant to Subsection F of this Section. Such blood, urine, or other biological fluids or samples may be made available to him by the custodian thereof without the necessity of authorization, subpoena, or court**

1           order. No health care provider, custodian of records, or officer, employee, or  
 2           agent thereof shall be held civilly or criminally liable for the release of a  
 3           deceased patient's blood, urine, or other biological fluids or samples, including  
 4           any communication defined herein, when that disclosure is made pursuant to  
 5           a request by the coroner or his authorized agents or employees.

The original instrument was prepared by Ashley Menou. The following digest, which does not constitute a part of the legislative instrument, was prepared by Nancy Vicknair.

#### DIGEST

SB 81 Reengrossed

2018 Regular Session

Claitor

Present law allows a coroner to review any medical or dental record relevant to an investigation without authorization, subpoena, or court order.

Proposed law retains present law.

Present law provides that no health care provider or custodian of records shall be held civilly or criminally liable for disclosing medical or dental records to a requesting coroner.

Proposed law retains present law.

Proposed law allows a coroner to obtain blood, urine, or other biological fluids or samples relevant to an investigation without authorization, subpoena, or court order. Clarifies that under present law, a coroner is authorized to have access to such records during an investigation.

Proposed law provides that no health care provider or custodian of records shall be held civilly or criminally liable for releasing a deceased patient's blood, urine, or other biological fluids or samples to a requesting coroner.

Effective August 1, 2018.

(Adds R.S. 13:3734(H))

#### Summary of Amendments Adopted by Senate

##### Senate Floor Amendments to engrossed bill

1. Clarifies that under present law, a coroner is authorized to have access to certain medical records during an investigation.
2. Provides immunity from liability for releasing medical information to a requesting coroner and specifies that the biological fluids or samples are from a deceased patient.