

Regular Session, 2011

SENATE BILL NO. 27

BY SENATOR AMEDEE

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

HEALTH CARE. Provides for the individuals who may receive a patient's medical records.
(8/15/11)

1 AN ACT

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

5 Be it enacted by the Legislature of Louisiana:

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

8 §1299.96. Health care information; records

9 A. * * *

10 (2) * * *

11 (b)(i) Except as provided in R.S. 44:17, a patient or his legal representative,
12 or in the case of a deceased patient, the executor of his will, the administrator of his
13 estate, the surviving spouse, the parents, or the children of the deceased patient, or
14 after a claim has been made, the insurance company or its counsel, or, after suit has
15 been instituted, defense counsel or a defendant seeking any treatment record,
16 including but not limited to any medical, hospital, laboratory, invoice or billing
17 statement, or other record, including test results, relating to or generated as a result

1 of or in connection to the patient's medical treatment, history, or condition, either
2 personally or through an attorney, shall have a right to obtain a copy of the entirety
3 of the records in the form by which they are generated, except microfilm, upon
4 furnishing a signed authorization. If the original treatment records are generated,
5 maintained, or stored in paper form, copies shall be provided upon payment of a
6 reasonable copying charge, not to exceed one dollar per page for the first twenty-five
7 pages, fifty cents per page for twenty-six to three hundred fifty pages, and
8 twenty-five cents per page thereafter, a handling charge not to exceed twenty-five
9 dollars for hospitals, nursing homes, and other health care providers, and actual
10 postage. **The charges set forth in this Section shall be applied to all persons and**
11 **legal entities duly authorized by the patient to obtain a copy of their medical**
12 **records.** If treatment records are generated, maintained, or stored in digital format,
13 copies may be requested to be provided in digital format and charged at the rate
14 provided by this Item; however, the charges for providing digital copies shall not
15 exceed one hundred dollars, including all postage and handling charges actually
16 incurred. If requested, the health care provider shall provide the requestor, at no extra
17 charge, a certification page setting forth the extent of the completeness of records on
18 file. In the event a hospital record is not complete, the copy of the records furnished
19 shall indicate, through a stamp, coversheet, or otherwise, the extent of completeness
20 of the records. Each request for records submitted by the patient or other person
21 authorized to request records pursuant to the provisions of this Subparagraph shall
22 be subject to only one handling charge, and the health care provider shall not divide
23 the separate requests for different types of records, including but not limited to
24 billing or invoice statements. The health care provider **or person or legal entity**
25 **providing records on behalf of the health care provider** shall not charge any other
26 fee which is not specifically authorized by the provisions of this Subparagraph,
27 except for notary fees and fees for expedited requests as contracted by the parties.
28 **However, no provision of this Subsection shall authorize the violation of the**
29 **provisions of the Health Insurance Portability and Accountability Act (HIPPA),**

P.L. 104-191.

* * *

The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Greg Waddell.

DIGEST

Amedee (SB 27)

Present law provides that a patient or his legal representative shall have the right to obtain copies of the patient's medical records from a health care provider and for the fees which may be charged to the patient for a copy of those records.

Proposed law provides that the charges provided for in present law shall be the only charges applied by the healthcare provider for the production of healthcare records.

Proposed law provides that no provision of proposed law shall authorize the violation of the provisions of HIPPA.

Effective August 15, 2011.

(Amends R.S. 40:1299.96(A)(2)(b)(i))

Summary of Amendments Adopted by Senate

Committee Amendments Proposed by Senate Committee on Health and Welfare to the original bill.

1. Replaces provisions of present law which provide for the class of persons who may request healthcare records.
2. Adds provisions which require that the charges set forth in present law shall be the only charges applied to persons and legal entities duly authorized by the patient to obtain a copy of their medical records.
3. Adds provision which states that the provisions do not authorize the violation of HIPPA.