

Regular Session, 2012

HOUSE BILL NO. 687

BY REPRESENTATIVE GREENE

HEALTH CARE/RECORDS: Provides with respect to health care records

1 AN ACT

2 To amend and reenact R.S. 40:1299.96(A)(2)(b), relative to health care information; to
3 provide for retrieval of and reproduction fees for medical records from a health care
4 provider; to provide for civil liability for noncompliance; and to provide for related
5 matters.

6 Be it enacted by the Legislature of Louisiana:

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

9 §1299.96. Health care information; records

10 A.

11 * * *

12 (2)

13 * * *

14 (b)(i) Except as provided in R.S. 44:17, a patient or his legal representative,
15 or in the case of a deceased patient, the executor of his will, the administrator of his
16 estate, the surviving spouse, the parents, or the children of the deceased patient, or
17 after a claim has been made, the insurance company or its counsel, or, after suit has
18 been instituted, defense counsel or a defendant seeking any treatment record,
19 including but not limited to any medical, hospital, laboratory, invoice or billing
20 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 or an agent, shall have a right to obtain a copy of
3 the entirety of the records in the form by which they are generated, except microfilm,
4 upon furnishing a signed authorization. If the original treatment records are
5 generated, maintained, or stored in paper form, copies shall be provided in paper
6 format if requested upon payment of a reasonable copying charge, not to exceed ~~one~~
7 ~~dollar per page for the first twenty-five pages, fifty cents per page for twenty-six to~~
8 ~~three hundred fifty pages, and twenty-five cents per page thereafter, a handling~~
9 ~~charge not to exceed twenty-five dollars~~ fifteen cents per page and a handling charge
10 not to exceed twenty-five dollars for hospitals, nursing homes, and other health care
11 providers, and actual postage incurred. The charges set forth in this Section shall be
12 applied to all persons and legal entities duly authorized by the patient to obtain a
13 copy of their medical records. If treatment records are generated, maintained, or
14 stored in digital format, copies may be requested to be provided in digital format and
15 charged at the rate provided by this Item; however, the charges for providing digital
16 copies shall not exceed ~~one hundred dollars~~ thirty-five dollars, including all postage
17 ~~and handling charges~~ actually incurred. If requested, the health care provider shall
18 provide the requestor, at no extra charge, a certification page setting forth the extent
19 of the completeness of records on file. In the event a ~~hospital~~ record is not complete,
20 the copy of the records furnished shall indicate, through a stamp, coversheet, or
21 otherwise, the extent of completeness of the records. Each request for records
22 submitted by the patient or other person authorized to request records pursuant to the
23 provisions of this Subparagraph shall be subject to only one handling charge, and the
24 health care provider shall not divide the separate requests for different types of
25 records, including but not limited to billing or invoice statements. The health care
26 provider or person or legal entity providing records on behalf of the health care
27 provider shall not charge any other fee which is not specifically authorized by the
28 provisions of this Subparagraph, except for notary fees and fees for expedited
29 requests as contracted by the parties.

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

Greene

HB No. 687

Abstract: Provides for retrieval of and reproduction fees for medical records from a health care provider and provides for a civil penalty for noncompliance.

Present law provides procedures for obtaining medical records. Provides a graduated cost scale per page of medical records requested and a separate cost for digital format.

Proposed law retains present law except it changes the graduated cost scale to a flat fee of 15¢ per page and a handling charge not to exceed \$25 for paper format and \$35 for digital format. Provides a maximum charge of \$35 for copies of digital imaging media. Further provides for a civil penalty of \$1,000 per violation plus attorney fees and costs for noncompliance.

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