

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 enact R.S. 40:1299.96(A)(2)(b)(iii), relative to health care information; to provide notice;
3 to provide for civil liability for noncompliance; and to provide for related matters.

4 Be it enacted by the Legislature of Louisiana:

5 Section 1. R.S. 40:1299.96(A)(2)(b)(iii) is hereby enacted to read as follows:

6 §1299.96. Health care information; records

7 A.

8 * * *

9 (2)

10 * * *

11 (b)

12 * * *

13 (iii) A health care provider shall be provided with written notice of any
14 violation of Items (i) or (ii) of this Subparagraph and shall be given three days to
15 correct the noticed violation. If the violation is not corrected within three days of
16 receipt of notice, any violation of Items (i) or (ii) of this Subparagraph shall be
17 subject to a civil penalty of one thousand dollars per violation plus attorney fees and
18 costs payable to the requestor of the medical records.

19 * * *

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 notice requirements for violations of certain provisions governing the retrieval and reproduction of medical records 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. Requires written notice of a violation of present law to be provided to the provider of medical records and assesses a civil penalty of \$1,000 per violation plus attorney fees and costs if the provider fails to comply within three days.

(Adds R.S. 40:1299.96(A)(2)(b)(iii))

Summary of Amendments Adopted by House

Committee Amendments Proposed by House Committee on Civil Law and Procedure to the original bill.

1. Deleted proposed law changes to fee schedule.
2. Required notice of violations to be given to the provider of medical records and provides for the assessment of the civil penalty if the violation is not corrected within three days of receipt of notice.