

2021 Regular Session

HOUSE BILL NO. 188

BY REPRESENTATIVE BEAULLIEU

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

HEALTH CARE/RECORDS: Provides with respect to healthcare records

1 AN ACT

2 To amend and reenact R.S. 40:1165.1(A)(2)(b)(i), relative to medical records of a patient;  
3 to provide for persons who may have access to a patient's medical records; to  
4 authorize access to medical records by insurance companies or their counsel; and to  
5 provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 40:1165.1(A)(2)(b)(i) is hereby amended and reenacted to read as  
8 follows:

9 §1165.1. Healthcare 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 a patient's authorized insurance company or its counsel, or in the case of a  
16 deceased patient, the executor of his will, the administrator of his estate, the  
17 surviving spouse, the parents, or the children of the deceased patient, or after a claim  
18 has been made, the insurance company or its counsel, or, after suit has been  
19 instituted, defense counsel or a defendant seeking any treatment record, including but

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

1 which is not specifically authorized by the provisions of this Subparagraph, except  
2 for notary fees and fees for expedited requests as contracted by the parties.

3 \* \* \*

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)]

HB 188 Original

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Beaulieu

**Abstract:** Authorizes insurance companies or their counsel to obtain medical records of a patient.

Present law provides that a patient or his legal representative shall have a right to obtain a copy of the patient's entire medical records related in any way to the patient.

Proposed law retains present law and adds that an insurance company or its counsel, who has been authorized by the patient to request medical records, shall have a right to obtain a copy of a patient's entire medical records.

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