

2021 Regular Session

HOUSE BILL NO. 188

BY REPRESENTATIVE BEAULLIEU

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 certain insurance companies or their counsel
5 for underwriting purposes; and to 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 life, health, disability, or long-term care insurance company or its
16 counsel, with the patient's authorization as defined in R.S. 40:1163.1, or in the case
17 of a deceased patient, the executor of his will, the administrator of his estate, the
18 surviving spouse, the parents, or the children of the deceased patient, or after a claim
19 has been made, the insurance company or its counsel, or, after suit has been

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

