

2024 Regular Session

HOUSE BILL NO. 27

BY REPRESENTATIVE MELERINE

CIVIL/PROCEDURE: Authorizes service of process by commercial courier

1 AN ACT

2 To amend and reenact R.S. 13:3715.1(B)(1), relative to service of process; to provide for
3 delivery of notice of subpoena for medical records by commercial courier; and to
4 provide for related matters.

5 Be it enacted by the Legislature of Louisiana:

6 Section 1. R.S. 13:3715.1(B)(1) is hereby amended and reenacted to read as follows:

7 §3715.1. Medical or hospital records of a patient; subpoena duces tecum and court
8 order to a health care provider; reimbursement for records produced

9 * * *

10 B. The exclusive method by which medical, hospital, or other records
11 relating to a person's medical treatment, history, or condition may be obtained or
12 disclosed by a health care provider, shall be pursuant to and in accordance with the
13 provisions of R.S. 40:1165.1 or Code of Evidence Article 510, or a lawful subpoena
14 or court order obtained in the following manner:

15 (1) A health care provider shall disclose records of a patient who is a party
16 to litigation pursuant to a subpoena issued in that litigation, whether for purposes of
17 deposition or for trial and whether issued in a civil, criminal, workers' compensation,
18 or other proceeding, but only if: the health care provider has received an affidavit
19 of the party or the party's attorney at whose request the subpoena has been issued that
20 attests to the fact that such subpoena is for the records of a party to the litigation and

1 that notice of the subpoena has been mailed by registered or certified mail or
2 delivered by commercial courier as defined in Code of Civil Procedure Article
3 1313(D) to the patient whose records are sought, or, if represented, to his counsel of
4 record, at least seven days prior to the issuance of the subpoena; and the subpoena
5 is served on the health care provider at least seven days prior to the date on which
6 the records are to be disclosed, and the health care provider has not received a copy
7 of a petition or motion indicating that the patient has taken legal action to restrain the
8 release of the records. If the requesting party is the patient or, if represented, the
9 attorney for the patient, the affidavit shall state that the patient authorizes the release
10 of the records pursuant to the subpoena. No such subpoena shall be issued by any
11 clerk unless the required affidavit is included with the request.

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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 27 Original

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Abstract: Provides for service of process by commercial courier for medical records.

Present law provides that a health care provider shall disclose records of a patient who is a party to litigation pursuant to subpoena issued in that litigation if the health care provider received an affidavit of the party or the party's attorney at whose request the subpoena has been issued that attests to the fact that such subpoena is for the records of a party of the litigation and that notice of the subpoena has been mailed by registered or certified mail to the patient whose records are sought.

Proposed law expands present law to provide that the notice of the subpoena may be delivered by commercial courier as defined by C.C.P. Art. 1313(D).

(Amends R.S. 13:3715.1(B)(1))