2024 Regular Session

ACT No. 185

HOUSE BILL NO. 27

BY REPRESENTATIVE MELERINE

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
21	that notice of the subpoena has been mailed by registered or certified mail or
22	delivered by commercial courier as defined in Code of Civil Procedure Article

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1313(D) to the patient whose records are sought, or, if represented, to his counsel of record, at least seven days prior to the issuance of the subpoena; and the subpoena is served on the health care provider at least seven days prior to the date on which the records are to be disclosed, and the health care provider has not received a copy of a petition or motion indicating that the patient has taken legal action to restrain the release of the records. If the requesting party is the patient or, if represented, the attorney for the patient, the affidavit shall state that the patient authorizes the release of the records pursuant to the subpoena. No such subpoena shall be issued by any clerk unless the required affidavit is included with the request.

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SPEAKER OF THE HOUSE OF REPRESENTATIVES	
PRESIDENT OF THE SENATE	
GOVERNOR OF THE STATE OF LOUISIANA	

APPROVED: _____