

ACT No. 185

2024 Regular Session

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

