

2026 Regular Session

HOUSE BILL NO. 1116

BY REPRESENTATIVE CHENEVERT

HEALTH/LDH: Provides relative to public health reviews conducted and public health guidance issued by the surgeon general

1 AN ACT

2 To enact R.S. 36:254.4(H) and R.S. 44:4(65), relative to the office of the surgeon general;
3 to provide for public health reviews conducted by the surgeon general; to provide for
4 the issuance of public health guidance by the surgeon general; to allow the surgeon
5 general to access certain health records and information under certain circumstances;
6 to require certain duties of the office of public health; to provide for confidentiality;
7 to provide for a public records exception; to provide for effectiveness; and to provide
8 for related matters.

9 Be it enacted by the Legislature of Louisiana:

10 Section 1. R.S. 36:254.4(H) is hereby enacted to read as follows:

11 §254.4. Surgeon general; office of the surgeon general; functions

12 * * *

13 H.(1)(a) Upon receipt of a written referral from the office of public health,
14 the surgeon general may conduct a review to investigate the transmissions, causes,
15 and prevention of any suspected public health condition, disease, injury, event,
16 emergency, or loss of life. Such reviews conducted by the surgeon general are
17 intended to support public health policymaking and research for the purpose of
18 informing public health, rather than addressing individual public interest inquiries.

19 (b) The office of public health shall establish a written procedure for making
20 written referrals to the surgeon general. Such procedure shall incorporate a protocol

1 to review requests for public health investigations from public and private sources,
2 including the office of the coroner.

3 (c) The office of public health shall publish the written procedure to request
4 public health investigations on its website.

5 (2) Notwithstanding any other provision of law to the contrary, in conducting
6 the public health review, the surgeon general may access medical records, vital
7 records, and other health information in the custody or possession of any of the
8 following:

9 (a) The office of public health.

10 (b) Providers or facilities licensed or certified by the Louisiana Department
11 of Health.

12 (c) Healthcare professionals licensed or certified pursuant to Title 37 of the
13 Louisiana Revised Statutes of 1950.

14 (d) Other medical or healthcare clinics or laboratories.

15 (3) The surgeon general shall send a written request, on official letterhead,
16 to the healthcare provider, facility, or professional or the office of public health to
17 obtain access to medical records, vital records, or other health information. Copies
18 of the requested records and health information shall be provided to the surgeon
19 general in a secure electronic format. The records and health information shall be
20 confidential and shall not be utilized by the surgeon general for any purpose other
21 than the public health review.

22 (4)(a) The surgeon general, upon conclusion of the review, may issue a
23 public health guidance to the healthcare provider, facility, or professional or to the
24 public on the specific public health issue reviewed.

25 (b) If the public health guidance is issued to the healthcare provider, facility,
26 or professional, the public health guidance may be published on the Louisiana
27 Department of Health's website if deemed appropriate by the surgeon general.
28 However, if the public health guidance is issued to the public in general, the public
29 health guidance shall be published on the department's website.

1 (5)(a) The surgeon general's review and conclusions, other than the public
2 health guidance issued pursuant to Paragraph (4) of this Subsection, shall be
3 confidential. The surgeon general shall not be compelled to testify about the review
4 or conclusions in any civil, criminal, administrative, legislative, or other proceeding.

5 (b) All medical records, vital records, and other health information obtained
6 by the surgeon general in accordance with the provisions of this Subsection shall be
7 confidential and shall not be available for subpoena nor be disclosed, discoverable,
8 or compelled to be produced in any civil, criminal, administrative, legislative, or
9 other proceeding. Additionally, the records and information shall not be deemed
10 admissible as evidence in any civil, criminal, administrative, or other tribunal or
11 court for any reason.

12 (6) The surgeon general's review or conclusions shall not be referred to any
13 professional licensing board or agency for action against the license or certification
14 of the healthcare provider, facility, professional, or clinic.

15 Section 2. R.S. 44:4(65) is hereby enacted to read as follows:

16 §4. Applicability

17 This Chapter shall not apply:

18 * * *

19 (65) To any information, documents, records, notes, files, communications,
20 or results that are received, generated, made, or maintained for or in connection with
21 the public health review conducted by the surgeon general pursuant to R.S.
22 36:254.4(H).

23 Section 3. This Act shall become effective upon signature by the governor or, if not
24 signed by the governor, upon expiration of the time for bills to become law without signature
25 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
26 vetoed by the governor and subsequently approved by the legislature, this Act shall become
27 effective on the day following such approval.

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 1116 Original

2026 Regular Session

Chenevert

Abstract: Provides relative to public health reviews conducted and public health guidance issued by the surgeon general.

Present law provides for the duties and functions of the surgeon general within the La. Dept. of Health (LDH), office of surgeon general.

Proposed law retains present law and provides for an additional function of the surgeon general in regard to conducting public health reviews.

Proposed law provides that, upon receipt of a written referral from the office of public health within LDH, the surgeon general may conduct a review to investigate the transmissions, causes, and prevention of any suspected public health condition, disease, injury, event, emergency, or loss of life.

Proposed law provides that the purpose of these public health reviews is to support public health policymaking and research for the purpose of informing public health, and not for addressing individual public interest inquiries.

Proposed law requires the office of public health to establish a written procedure for making written referrals to the surgeon general.

Proposed law allows the surgeon general to access medical records, vital records, and other health information in the custody or possession of any of the following:

- (1) The office of public health.
- (2) Providers or facilities licensed or certified by LDH.
- (3) Healthcare professionals licensed or certified pursuant to present law (R.S. 37:1 et seq.).
- (4) Other medical or healthcare clinics or laboratories.

Proposed law requires the surgeon general to send a written request, on official letterhead, to the healthcare provider, facility, or professional or the office of public health to obtain access to medical records, vital records, or other health information. Proposed law further requires any copies of the requested health records and information to be sent in a secure electronic format.

Proposed law requires the health records and information to be kept confidential and prohibits the surgeon general from utilizing them for any purpose other than for the public health review.

Proposed law allows the surgeon general, after concluding the review, to issue a public health guidance to the healthcare provider, facility, or professional or to the public on the specific public health issue reviewed.

Proposed law provides that if the public health guidance is issued to a healthcare provider, facility, or professional, the public health guidance may be published on LDH's website, if

deemed appropriate by the surgeon general. However, proposed law requires the public health guidance to be published on LDH's website, if it is issued to the public in general.

Proposed law stipulates that the surgeon general's review and conclusions, other than the public health guidance, shall be confidential.

Proposed law prohibits the surgeon general from being compelled to testify about the review or conclusions in any civil, criminal, administrative, legislative, or other proceeding.

Proposed law requires specified health records and information obtained by the surgeon general to be kept confidential and prohibits such records and information from being available for subpoena and from being disclosed, discoverable, or compelled to be produced in any civil, criminal, administrative, legislative, or other proceeding.

Proposed law also prohibits the requested health records and information from being admissible as evidence in a civil, criminal, administrative, legislative, or other proceeding.

Proposed law prohibits the surgeon general's review or conclusions from being referred to any professional licensing board or agency for action against a healthcare provider's, facility's, or professional's or clinic's license or certification.

Present law provides a list of certain records, documentation, and information that are exempted from public records.

Proposed law adds to the public records exception any information, documents, records, notes, files, communications, or results that are received, generated, made, or maintained for or in connection with the public health review conducted by the surgeon general. Proposed law otherwise retains present law.

Effective upon signature of governor or lapse of time for gubernatorial action.

(Adds R.S. 36:254.4(H) and R.S. 44:4(65))