

2026 Regular Session

HOUSE BILL NO. 1138

BY REPRESENTATIVE DOMANGUE

HEALTH CARE/RECORDS: Provides for the communication of health information

1 AN ACT

2 To enact R.S. 40:1165.4, relative to healthcare providers; to require patient consent prior to
3 the electronic posting of certain medical test results; to provide for definitions; to
4 provide for a form; to provide for consent; to provide for formatting requirements;
5 to provide for revocation of consent; and to provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 40:1165.4 is hereby enacted to read as follows:

8 §1165.4. Medical test results; consent

9 A. As used in this Section, the following terms have the meanings ascribed
10 to them:

11 (1) "Healthcare provider" means a person or entity licensed or authorized to
12 provide healthcare services.

13 (2) "Patient portal" means a secure online website or application that allows
14 a patient access to the patient's health information maintained by a healthcare
15 provider.

16 (3) "Serious medical condition" means a medical condition diagnosed or
17 indicated by a medical test result that meets any of the following criteria:

18 (a) Is life-threatening.

19 (b) May significantly alter a patient's quality of life.

20 (c) Requires immediate or ongoing medical treatment or intervention.

1 B.(1) No healthcare provider shall post or otherwise make available through
2 a patient portal the results of any diagnostic test indicating a serious medical
3 condition unless the patient has provided prior consent in accordance with the
4 provisions of this Section.

5 (2) The consent required by this Subsection shall be obtained only once and
6 shall remain valid for all future diagnostic test results unless revoked by the patient
7 in writing.

8 C.(1) The consent required by this Section shall clearly authorize the
9 healthcare provider to post medical test results indicating a serious medical condition
10 to a patient portal.

11 (2) The consent form shall be presented on a separate page that is distinct
12 from any other consent documents and shall not be combined with any other
13 authorization or acknowledgment.

14 (3) The disclosure contained in the consent form shall meet all of the
15 following:

16 (a) Be written in plain language.

17 (b) Include a statement informing the patient that test results indicating a
18 serious medical condition may be made available electronically prior to direct
19 communication with a healthcare provider.

20 (c) Be printed in a font size of not less than twelve-point type.

21 D. A patient may revoke consent at any time by submitting a written
22 revocation to the healthcare provider. Upon receipt of the revocation, the healthcare
23 provider shall cease posting such test results to the patient portal.

24 E. The Louisiana Department of Health may promulgate and adopt rules as
25 are necessary to implement the provisions of this Section.

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 1138 Original

2026 Regular Session

Domangue

Abstract: Requires healthcare providers to obtain consent to transmit certain healthcare information.

Proposed law requires healthcare providers to obtain patient consent prior to posting medical test results indicating a serious medical condition on an online patient portal.

Proposed law provides that consent is required only once and remains valid unless revoked in writing by the patient.

Proposed law requires that the consent be in writing, on a separate page distinct from other consent documents, and include a disclosure in plain language printed in a minimum of twelve-point font.

Proposed law authorizes the patient to revoke consent at any time.

Proposed law authorizes the La. Dept. of Health to promulgate rules and regulations to implement the provisions of proposed law.

(Adds R.S. 40:1165.4)