

2016 Regular Session

HOUSE BILL NO. 537

BY REPRESENTATIVE GAROFALO

1 AN ACT

2 To amend and reenact R.S. 40:1165.1(A)(2)(b)(i) and (ii), relative to medical records; to
3 provide relative to the maximum charges for providing certain medical records; to
4 provide for the form in which to store and provide medical records; and to provide
5 for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 40:1165.1(A)(2)(b)(i) and (ii) are hereby amended and reenacted to
8 read as follows:

9 §1165.1. Health care information; records

10 A.

11 * * *

12 (2)

13 * * *

14 (b)(i) Except as provided in R.S. 44:17, a patient or his legal representative,
15 or in the case of a deceased patient, the executor of his will, the administrator of his
16 estate, the surviving spouse, the parents, or the children of the deceased patient, or
17 after a claim has been made, the insurance company or its counsel, or, after suit has
18 been instituted, defense counsel or a defendant seeking any treatment record,
19 including but not limited to any medical, hospital, laboratory, invoice or billing
20 statement, or other record, including test results, relating to or generated as a result
21 of or in connection to the patient's medical treatment, history, or condition, either
22 personally or through an attorney, shall have a right to obtain a copy of the entirety
23 of the records in the form ~~by which they are generated~~ in which they exist, except

1 microfilm, upon furnishing a signed authorization. If the ~~original~~ treatment records
2 ~~are generated, maintained, or stored~~ exist solely in paper form, paper or digital
3 copies shall be provided upon payment of a reasonable copying charge, not to exceed
4 one dollar per page for the first twenty-five pages, fifty cents per page for twenty-six
5 to three hundred fifty pages, and twenty-five cents per page thereafter, a handling
6 charge not to exceed twenty-five dollars for hospitals, nursing homes, and other
7 health care providers, and actual postage. The charges set forth in this Section shall
8 be applied to all persons and legal entities duly authorized by the patient to obtain
9 a copy of their medical records. If treatment records ~~are generated, maintained, or~~
10 ~~stored~~ exist in digital format, copies ~~may be~~ shall be provided in digital format if
11 requested to be provided in digital format and charged at the rate provided by this
12 Item; however, the charges for providing digital copies shall not exceed one hundred
13 dollars, including plus all postage ~~and handling~~ charges actually incurred. If the
14 treatment records exist in both digital form and paper form, the maximum limit of
15 one hundred dollars shall apply only to the portion of records stored in digital form.
16 If requested, the health care provider shall provide the requestor, at no extra charge,
17 a certification page setting forth the extent of the completeness of records on file.
18 In the event a hospital record is not complete, the copy of the records furnished shall
19 indicate, through a stamp, coversheet, or otherwise, the extent of completeness of the
20 records. Each request for records submitted by the patient or other person authorized
21 to request records pursuant to the provisions of this Subparagraph shall be subject
22 to only one handling charge, and the health care provider shall not divide the
23 separate requests for different types of records, including but not limited to billing
24 or invoice statements. The health care provider or person or legal entity providing
25 records on behalf of the health care provider shall not charge any other fee which is
26 not specifically authorized by the provisions of this Subparagraph, except for notary
27 fees and fees for expedited requests as contracted by the parties.

28 (ii) The individuals authorized to obtain medical records pursuant to Item (i)
29 of this Subparagraph shall also have the right to obtain copies of patient X-rays, and
30 other imaging media, upon payment of reasonable reproduction costs and a handling

1 charge of twenty dollars for hospitals and ten dollars for other health care providers.
 2 If the patient X-rays and other imaging media are ~~generated, maintained, or stored~~
 3 in digital format, copies may be requested to be provided in digital format and
 4 charged at the rate provided by this Item; however, the charges for providing digital
 5 imaging media copies shall not exceed two hundred dollars, including plus all
 6 postage ~~and handling~~ charges actually incurred. If requested, the health care
 7 provider shall provide the requestor, at no extra charge, a certification page setting
 8 forth the completeness of the X-rays and other imaging media on file. In the event
 9 hospital patient X-rays and other imaging media are not complete, the copies
 10 furnished shall indicate, through a stamp, coversheet, or otherwise, the extent of the
 11 completeness of the records. Each request for copies of patient X-rays and other
 12 imaging media submitted by the patient or other person authorized to request records
 13 pursuant to Item (i) of this Subparagraph shall not be considered a separate request
 14 and are subject to only one handling charge, and the health care provider shall not
 15 divide the requests for different types of X-rays and other imaging media. The
 16 health care provider shall not charge any other fee which is not specifically
 17 authorized by the provisions of this Subparagraph, except for notary fees and fees for
 18 expedited requests as contracted by the parties.

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SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____