

2020 Regular Session

SENATE BILL NO. 349

BY SENATOR FRED MILLS

CONSUMERS/PROTECTION. Provides relative to deceptive or unfair trade practices regarding electronic health records. (8/1/20)

1 AN ACT

2 To enact R.S. 51:1429, relative to the Unfair Trade Practices and Consumer Protection Law;

3 to provide for electronic medical records; to provide for release of electronic medical

4 records to medical providers; to provide for terms and conditions; to provide for

5 penalties for unfair or deceptive trade practices; and to provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 51:1429 is hereby enacted to read as follows:

8 **§1429. Unfair or deceptive acts or practices; electronic health records**

9 **A. All contracts for the provision of cloud-based electronic health**

10 **records shall require that upon the termination of the relationship between an**

11 **electronic health records vendor and a medical provider, the electronic health**

12 **records vendor shall provide to the medical provider, at no extra charge, an**

13 **electronic copy of the health records that the electronic health records vendor**

14 **maintained for the medical provider. The electronic copy of the health records**

15 **shall be in a usable and readable format as agreed to by the parties.**

16 **B. Any requirement that a medical provider maintain a contract or**

17 **provide additional compensation to an electronic health records vendor to**

1           **obtain the electronic health records referenced in Subsection A of this Section**  
 2           **shall be an unlawful and an unfair or deceptive trade practice and shall subject**  
 3           **the violator to any and all actions and penalties provided for in this Chapter.**

The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Michelle Ridge.

DIGEST

SB 349 Original

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Present law provides for unfair or deceptive trade practices and remedies and penalties for these practices.

Proposed law provides that all contracts for the provision of cloud-based electronic health records shall require that upon the termination of the relationship between the electronic medical records vendor (vendor) and the medical provider (provider), the vendor shall provide to the provider, at no extra charge, an electronic copy of all health records that the vendor maintained for the provider. Provides the electronic copy of the health records shall be in a usable and readable format as agreed to by the parties.

Proposed law provides that any requirement that a provider maintain a contract or provide additional compensation to a vendor to obtain the electronic health records shall be an unlawful and an unfair or deceptive trade practice and shall subject the violator to any and all actions and penalties provided for in the Unfair Trade Practices and Consumer Protection Law.

Effective August 1, 2020.

(Adds R.S. 51:1429)