

2021 Regular Session

HOUSE BILL NO. 188

BY REPRESENTATIVE BEAULLIEU

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

HEALTH CARE/RECORDS: Provides with respect to healthcare records

1 AN ACT

2 To amend and reenact R.S. 40:1165.1(A)(2)(b)(i), relative to medical records of a patient;  
3 to provide for persons who may have access to a patient's medical records; to  
4 authorize access to medical records by certain insurance companies or their counsel  
5 for underwriting purposes; and to provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

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

9 §1165.1. Healthcare 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 a patient's authorized life, health, disability, or long-term care insurance company  
16 or its counsel for underwriting purposes only, or in the case of a deceased patient, the  
17 executor of his will, the administrator of his estate, the surviving spouse, the parents,  
18 or the children of the deceased patient, or after a claim has been made, the insurance  
19 company or its counsel, or, after suit has been instituted, defense counsel or a

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

1 specifically authorized by the provisions of this Subparagraph, except for notary fees  
2 and fees for expedited requests as contracted by the parties.

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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)]

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HB 188 Engrossed

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Beaulieu

**Abstract:** Authorizes certain insurance companies or their counsel to obtain medical records of a patient for underwriting purposes.

Present law provides that a patient or his legal representative shall have a right to obtain a copy of the patient's entire medical records related in any way to the patient upon furnishing a signed authorization.

Proposed law retains present law and adds that a life, health, disability, or long-term care insurance company or its counsel, who has been authorized by the patient to request medical records, shall have a right to obtain a copy of a patient's entire medical record for underwriting purposes only.

(Amends R.S. 40:1165.1(A)(2)(b)(i))

Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on Civil Law and Procedure to the original bill:

1. Specify that life, health, disability, or long-term care insurers may request health records.
2. Authorize life, health, disability, or long-term care insurers to request health records for underwriting purposes only.