

2024 Regular Session

HOUSE BILL NO. 27

BY REPRESENTATIVE MELERINE

1 AN ACT

2 To amend and reenact R.S. 13:3715.1(B)(1), relative to service of process; to provide for  
3 delivery of notice of subpoena for medical records by commercial courier; and to  
4 provide for related matters.

5 Be it enacted by the Legislature of Louisiana:

6 Section 1. R.S. 13:3715.1(B)(1) is hereby amended and reenacted to read as follows:

7 §3715.1. Medical or hospital records of a patient; subpoena duces tecum and court  
8 order to a health care provider; reimbursement for records produced

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10 B. The exclusive method by which medical, hospital, or other records  
11 relating to a person's medical treatment, history, or condition may be obtained or  
12 disclosed by a health care provider, shall be pursuant to and in accordance with the  
13 provisions of R.S. 40:1165.1 or Code of Evidence Article 510, or a lawful subpoena  
14 or court order obtained in the following manner:

15 (1) A health care provider shall disclose records of a patient who is a party  
16 to litigation pursuant to a subpoena issued in that litigation, whether for purposes of  
17 deposition or for trial and whether issued in a civil, criminal, workers' compensation,  
18 or other proceeding, but only if: the health care provider has received an affidavit  
19 of the party or the party's attorney at whose request the subpoena has been issued that  
20 attests to the fact that such subpoena is for the records of a party to the litigation and  
21 that notice of the subpoena has been mailed by registered or certified mail or  
22 delivered by commercial courier as defined in Code of Civil Procedure Article

1 1313(D) to the patient whose records are sought, or, if represented, to his counsel of  
 2 record, at least seven days prior to the issuance of the subpoena; and the subpoena  
 3 is served on the health care provider at least seven days prior to the date on which  
 4 the records are to be disclosed, and the health care provider has not received a copy  
 5 of a petition or motion indicating that the patient has taken legal action to restrain the  
 6 release of the records. If the requesting party is the patient or, if represented, the  
 7 attorney for the patient, the affidavit shall state that the patient authorizes the release  
 8 of the records pursuant to the subpoena. No such subpoena shall be issued by any  
 9 clerk unless the required affidavit is included with the request.

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SPEAKER OF THE HOUSE OF REPRESENTATIVES

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PRESIDENT OF THE SENATE

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GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: \_\_\_\_\_

CODING: Words in ~~struck through~~ type are deletions from existing law; words underscored are additions.