

Regular Session, 2008

HOUSE BILL NO. 217

BY REPRESENTATIVE FOIL

HEALTH CARE/RECORDS: Provides relative to fees paid for copying medical records

1 AN ACT

2 To amend and reenact R.S. 40:1299.96(A)(2)(b), relative to health care records; to provide
3 relative to the fees paid for producing copies of medical records; to provide for
4 certification of the records; to prohibit unauthorized fees and charges; and to provide
5 for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 40:1299.96(A)(2)(b) is hereby amended and reenacted to read as
8 follows:

9 §1299.96. Health care information; records

10 A.

11 * * *

12 (2)

13 * * *

14 (b) Except as provided in R.S. 44:17, a patient or his legal representative, or
15 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 suit has been instituted, the defense counsel or the defense insurance company
18 seeking any medical, hospital, invoice or billing statements, or other record relating
19 to the patient's medical treatment, history, or condition, either personally or through
20 an attorney, shall have a right to obtain a copy, or a certified copy if requested, of

1 such ~~record~~ records upon furnishing a signed authorization and upon payment of a
2 reasonable copying charge, not to exceed one dollar per page for the first twenty-five
3 pages, fifty cents per page for twenty-six to five hundred pages, and twenty-five
4 cents per page thereafter, a handling charge not to exceed fifteen dollars for
5 hospitals, nursing homes, and other health care providers, and actual postage. The
6 individuals named herein shall also have the right to obtain copies, or certified copies
7 if requested, of patient X-rays, microfilm, and electronic and imaging media, upon
8 payment of reasonable reproduction costs and a handling charge of twenty dollars
9 for hospitals and ten dollars for other health care providers. In the event a hospital
10 record is not complete, the copy of the records furnished hereunder may indicate,
11 through a stamp, cover sheet, or otherwise, that the record is incomplete. Each
12 request for records submitted by the patient or other person authorized to request
13 records pursuant to the provisions of this Subparagraph shall be subject to only one
14 handling charge, and the request shall not be divided into separate requests for
15 different types of records by the health care provider. The health care provider shall
16 not charge a certification fee or any other fee which is not specifically authorized by
17 the provisions of this Subparagraph.

18 * * *

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 No. 217

Abstract: Prohibits the splitting of medical records requests into separate requests in order to charge additional handling fees, and prohibits any additional charge or fee not specifically authorized by R.S. 40:1299.96(A)(2)(b).

Present law provides, in part, that a patient or his legal representative, or, after suit has been instituted, the defense counsel or the defense insurance company seeking any medical, hospital, or other record relating to the patient's medical treatment, history, or condition, shall have a right to obtain a copy of such record upon furnishing a signed authorization and upon payment of a reasonable copying charge, not to exceed \$1 per page for the first 25 pages, 50¢ per page for 26-500 pages, and 25¢ per page thereafter, a handling charge not to exceed \$15 for hospitals, nursing homes, and other health care providers, and actual postage, and further provides that the above-named individuals shall also have the right to obtain copies of patient X-rays, microfilm, and electronic and imaging media upon payment of

reasonable reproduction costs and a handling charge of \$20 for hospitals and \$10 for other health care providers.

Present law provides, in part, that if a copy of the record is not provided within a reasonable period of time, not to exceed 15 days following the receipt of the request and written authorization, and production of the record is obtained through a court order or subpoena duces tecum, the health care provider shall be liable for reasonable attorney fees and expenses incurred in obtaining the court order or subpoena duces tecum.

Proposed law retains present law and specifies that invoice or billing statements are subject to medical records requests, that certified copies may be requested, and that each request for records shall be subject to only one handling charge.

Proposed law prohibits any additional charge or fee not specifically authorized by present law.

(Amends R.S. 40:1299.96(A)(2)(b))