

Regular Session, 2012

HOUSE BILL NO. 825

BY REPRESENTATIVE GREENE

HEALTH CARE/RECORDS: Provides relative to health care provider charges for health records

1 AN ACT

2 To amend and reenact R.S. 40:1299.96(A)(2)(b)(i) and (ii) and to enact R.S.  
3 40:1299.96(A)(2)(b)(iii), relative to health care information; to change the charges  
4 and costs associated with the provision of original treatment records in paper form  
5 and digital format copies as well as X-ray and other imaging media copies and digital  
6 imaging media copies; to establish penalties for certain violations; and to provide for  
7 related matters.

8 Be it enacted by the Legislature of Louisiana:

9 Section 1. R.S. 40:1299.96(A)(2)(b)(i) and (ii) are hereby amended and reenacted  
10 and R.S. 40:1299.96(A)(2)(b)(iii) is hereby enacted to read as follows:

11 §1299.96. Health care information; records

12 A.

13 \* \* \*

14 (2)

15 \* \* \*

16 (b)(i) Except as provided in R.S. 44:17, a patient or his legal representative,  
17 or in the case of a deceased patient, the executor of his will, the administrator of his  
18 estate, the surviving spouse, the parents, or the children of the deceased patient, or  
19 after a claim has been made, the insurance company or its counsel, or, after suit has  
20 been instituted, defense counsel or a defendant seeking any treatment record,

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

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

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

26 (iii) Any person or entity that violates Subparagraph (A)(2)(b) of this Section  
27 shall be subject to a civil penalty of one thousand dollars per violation plus attorney  
28 fees and costs payable to the requestor of the medical records.

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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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Greene

HB No. 825

**Abstract:** Modifies the reproduction and handling charges associated with the provision of treatment records.

Present law (40:1299.96(A)(2)(b)(i)) provides that a patient or his legal representative, in certain instances, or after a claim has been made, the insurance company or its counsel, or, after suit has been instituted, defense counsel or a defendant seeking any treatment record or ancillary record, relating to or generated as a result of or in connection to the patient's medical treatment, history, or condition, either personally or through an attorney or an agent, shall have a right to obtain a copy of the entirety of the records in the form by which they are generated, except microfilm, upon furnishing a signed authorization.

Provides that if the original treatment records are in paper form, copies must be provided upon payment of a reasonable copying charge, not to exceed \$1 per page for the first 25 pages, 50¢ per page for 26 to 350 pages, and 25¢ per page thereafter, and a handling charge not to exceed \$25 for hospitals, nursing homes, and other health care providers, and actual postage.

Authorizes a request that the provision of treatment records be made in digital format if they are generated, maintained, or stored in digital format, and charged at the rate provided by present law. Further, provides that the charges for providing digital copies must not exceed \$100, including all postage and handling charges actually incurred.

Provides that in the event a hospital record is not complete, the copy of the records furnished shall indicate, through a stamp, coversheet, or otherwise, the extent of completeness of the records.

Proposed law specifies that the individuals enumerated in present law have the right to obtain records through an agent in addition to obtaining such records through a personal request or a request made through an attorney.

Changes the maximum charge for paper copies of treatment records from \$1 to 15¢ per page. Changes the maximum charge for providing digital copies of treatment records from \$100 to \$35, in addition to postage charges actually incurred.

Specifies that in the event any record is not complete, the copy of the records furnished shall indicate, through a stamp, coversheet, or otherwise, the extent of completeness of the records.

Present law (40:1299.96(A)(2)(b)(ii)) provides that the individuals authorized to obtain medical records pursuant to present law also have the right to obtain copies of patient X-rays, and other imaging media, upon payment of reasonable reproduction costs and a handling charge of \$20 for hospitals and \$10 for other health care providers.

Provides that the charges for providing digital imaging media copies cannot exceed \$200 dollars, including all postage and handling charges actually incurred

Proposed law removes the different handling charges for hospitals and health care providers for the provision of copies of X-ray and other imaging media. Instead, establishes a set \$25

handling charge for such copies and a reproduction charge not to exceed \$1 per image with a maximum charge not to exceed \$35 for the entirety of the request.

Changes the maximum cost associated with the provision of digital imaging media copies from \$200 to \$35, in addition to postage charges actually incurred.

Proposed law (40:1299.96(A)(2)(b)(iii)) provides that any person or entity that violates these provisions will be subject to a civil penalty of \$1,000 per violation plus attorney fees and costs payable to the requestor of the medical records.

(Amends R.S. 40:1299.96(A)(2)(b)(i) and (ii); Adds R.S. 40:1299.96(A)(2)(b)(iii))