

Treatment Records

All patients have the legal right to obtain a copy of their treatment records. La. R.S. 40:1165.1 details how treatment records are requested and provided. The following outlines some of the critical portions of the law:

Who may request treatment records?

- a patient or his legal representative
- in the case of a deceased patient, the executor of his will, the administrator of his estate, the surviving spouse, the parents, or the children of the deceased patient
- after a claim has been made, the insurance company or its counsel
- after suit has been instituted, defense counsel or a defendant seeking any treatment record

What constitutes a treatment record?

- Treatment records include, but are not limited to, any medical, hospital, laboratory, invoice or billing statement, or other record, including test results, relating to or generated as a result or in connection to the patient's medical treatment, history, or condition.

How much may I charge for reproduction of the records?

- Paper records - copies shall be provided upon payment of a reasonable copying charge not to exceed one dollar per page for the first twenty-five pages, fifty cents per page for twenty-six to three hundred fifty pages, and twenty-five cents for each page thereafter. A handling charge not to exceed twenty-five dollars and actual postage may also be charged.
- Digital records - copies may be requested to be provided in a digital format and charged at the same rate above; however, the charges for providing digital copies shall not exceed one hundred dollars, including postage and handling charges actually incurred.
- X-rays or other imaging media – copies shall be provided upon the payment of reasonable reproduction costs and a handling charge of twenty dollars for hospitals and ten dollars for other health care providers.
- X-rays and imaging media maintained in digital format – copies may be requested to be provided in digital format and charged for at the rate provided in this Item; however, the charges for providing digital imaging media copies shall not exceed two hundred dollars, including all postage and handling charges actually incurred.

- Certification page – If requested, the health care provider shall provide the requestor, at no extra charge, a certification page setting forth the completeness of records on file. 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 the completeness of the records.

Can I charge separate handling charges for compiling different types of records?

- No. Each request for records submitted by the patient or other person authorized to request records shall be subject to only one handling charge, and the health care provider shall not divide the separate requests for different types of records, including but not limited to billing or invoice statements.

Can I charge additional administrative fees associated with reproducing the records?

- No. The health care provider cannot charge any other fee which is not specifically authorized by law except for notary fees and fees for expedited request as contracted by the parties.

How quickly must I provide the copies of the records?

- Copies must be provided within 15 days following the receipt of the request and written authorization.

What happens if I miss the deadline to provide records?

- If the record is obtained through a court order or subpoena duces tecum, the health care provider shall be liable for reasonable attorney fees and expense incurred in obtaining the court order or subpoena duces tecum.

Can I refuse to provide copies of treatment records?

- A health care provider may deny access to a record if the health care provider reasonably concludes that knowledge of the information contained in the record would be injurious to the health or welfare of the patient or could reasonably be expected to endanger the life or safety of any other person.