PROCESS OF RETRIEVING MEDICAL RECORDS

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Your Health Information Is Protected By Federal Law
Most of us believe that our medical and other health information is private and should be protected, and we want to know who has this information. The Privacy Rule, a Federal law, gives you rights over your health information and sets rules and limits on who can look at and receive your health information. The Privacy Rule applies to all forms of individuals' protected health information, whether electronic, written, or oral. The Security Rule, a Federal law that protects health information in electronic form, requires entities covered by HIPAA to ensure that electronic protected health information is secure.

How to Request Your Medical Records
Most practices and facilities ask you to fill out a form to request your records. Call the provider's office and request a copy of the form. They should be able to deliver it to you by fax, e-mail, or postal mail, or you may pick it up from the doctor's office.

If no form is available from your provider
If the doctor's office doesn't have a specific form, you may write a letter to make your request. Include this information:
- your name, including your maiden name (if applicable)
- Social Security number
- date of birth
- address and phone number
- e-mail address
- record(s) being requested
- date(s) of service (months and years under the doctor's care)
- signature
- delivery option (pick up, fax, e-mail, etc.)
Simply drop off or mail the letter to the provider's office.

- Providers are required to keep most adult medical records for six years or more, although this varies by the state where the records are stored. In most states, children's records must be kept for three to 10 years beyond age 18 or 21. If you seek older records, contact the provider to see if they are available.
- Providers are required to share any notes or records they have created themselves, or any test results for which they have copies. They are also required to share any information provided to them about you by another doctor if that information was used for the diagnosis and/or treatment being discussed with you.
- Diagnostic lab test records, for such tests as blood tests, CT scans, x-rays, mammograms or others, should be requested from the doctor who ordered them, or your primary care physician. In most states, the lab will not provide them to you directly.
- If you seek hospital records or records from any other medical facility, you'll want to request them directly from that facility.
- Be aware that you may be denied access to some records, usually related to mental health records. If a provider believes that letting you look at your medical records can endanger your physical health, your request may be refused. They cannot deny you access just because they think you will be upset, unless they believe that upset will lead to an attempt to physically harm yourself. If you are refused, the provider must make that clear, in writing.
- A note about privacy: Many patients believe they or their designees are the only people who can obtain copies of their records. In fact, there are many others who can gain access to your medical records without your permission.

If you cannot locate your medical records
If your doctor is no longer in practice, or for some reason you can't locate the doctor or office where you think your records should be, there are some steps you can take to locate your medical records. Here is how to get your medical records when your doctor closes his or her practice, or is no longer in practice.

- If there are other doctors still working in the same practice
  - If your doctor has left, but the practice is still operating, your records should be available through the practice. Follow the same protocol to request your medical records as if the doctor was still working in that practice.

- If the doctor sold the practice to a new doctor (or group of doctors)
  - If your doctor's practice was combined with, or purchased by another practice, even if your doctor is no longer there, then the new practice entity will still have your records. Follow the same protocol to obtain your medical records as if the doctor was still working there.

- If your doctor's practice closes and is no longer in business, you have four possible resources:
  1. **Contact your local medical society.** You may be able to look up the phone number online or in the phone book, or you may find the contact information you need through this list of medical societies in each state. You will need to drill down by state to your local society. Someone at the medical society should be able to let you know what became of your doctor's practice, and will possibly know where the doctor's records are being housed. They may also be able to tell you how to get copies if the procedure will vary from the basic procedure described here.
  2. If your local medical society doesn't have the information you need, then **contact your state medical society association**, (Appendix1) as per the list linked in #1 above.
  3. Finally, if the medical societies can't help you, then begin contacting **other practices of the same specialty** in your area. Some doctors will ask other practices of the same specialty to house their records when they close their practices. The idea is, that if your doctor is not in business any longer, then the other specialist might want to pick you up as a patient. Simply call the office of each of the other same-specialty doctors and tell them, “I was a patient of Dr. ____'s. I am hoping to find my medical records. Can you tell me if Dr. ____ gave them to your practice?” If they say yes, then ask their protocol for getting your copies. If they say no, then ask if they know where those records are being kept. If they don't know, then call the next same-specialty practice and ask them the same question.
  4. Finally, if none of these possibilities work out, **contact the hospitals** in your area. Unless you can determine a better department, try Human Resources. They may know where your records are being kept.

Keep in mind that when your records have been housed elsewhere, they will be difficult to retrieve unless they are among the minority of records that have already been transferred to an electronic health record. For that reason, you will very likely be charged for the copies you want. Learn more about how much you may have to pay for copies of your medical records.

### How Much Does It Cost to Get Your Records?

You may have to pay for the medical records copies you want. The price will vary due to several factors. Appendix 2 lists the charges allowable for receiving one's medical records by state. To avoid such costs, we suggest requesting a copy of the current visit each time you visit a clinician. Because the record has not been stored yet, you cannot be charged for them to retrieve it from electronic or physical storage means.

You may also call and set up an appointment to simply view your medical record at any time. You will be asked to allow time for the appointment to be properly prepared for, but this is another way to see your medical record for free. The only time you will be charged is when you ask for a copy of a part or your entire medical record to be made. If you are financially unable to afford the fees incurred for the making of your medical record hard copy, you may petition in handwriting to have the fees waived.

### What Happens Next aka How Long Do I Have to Wait?

Once you have made the request, you may have to wait for a while before you get the records. State laws regulate how quickly those records must be supplied to a patient, and they vary. In some states, you'll be given access to review them in the doctor's office immediately but may have to wait from 10 to 60 days to obtain your own copies. Other states require access within 30 days. There are even states that grant
PROCESS OF RETRIEVING MEDICAL RECORDS

a time frame for the provider to decide whether they will grant your request (which can only be done in certain circumstances, see page 7), followed by a separate timeframe for processing of the request.

Georgetown University provides access to the medical records regulations healthcare providers must adhere to in all 50 states. Those time frames may sometimes be extended if circumstances warrant. A link to that website is: [http://medicalrecordrights.georgetown.edu/records.html](http://medicalrecordrights.georgetown.edu/records.html)

Once you've obtained copies of your records, be sure to review them carefully. If you find errors, you'll want to correct them immediately to be sure they cannot affect any future diagnoses or treatment you may receive.


**Someone Else Requesting Your Records: Personal Representatives**

45 CFR 164.502(g)

**Background**

The HIPAA Privacy Rule establishes a foundation of Federally-protected rights which permit individuals to control certain uses and disclosures of their protected health information. Along with these rights, the Privacy Rule provides individuals with the ability to access and amend this information, and the right to an accounting of certain disclosures. The Department recognizes that there may be times when individuals are legally or otherwise incapable of exercising their rights, or simply choose to designate another to act on their behalf with respect to these rights. Under the Privacy Rule, a person authorized (under State or other applicable law, e.g., tribal or military law) to act on behalf of the individual in making health care related decisions is the individual’s “personal representative.” Section 164.502(g) provides when, and to what extent, the personal representative must be treated as the individual for purposes of the Privacy Rule. In addition to these formal designations of a personal representative, the Rule at 45 CFR 164.510(b) addresses situations in which persons are involved in the individual’s health care but are not expressly authorized to act on the individual’s behalf.

**How the Rule Works General Provisions**

Except as otherwise provided in 45 CFR 164.502(g), the Privacy Rule requires covered entities to treat an individual’s personal representative as the individual with respect to uses and disclosures of the individual’s protected health information, as well as the individual’s rights under the Rule. The personal representative stands in the shoes of the individual and has the ability to act for the individual and exercise the individual’s rights. For instance, covered entities must provide the individual’s personal representative with an accounting of disclosures in accordance with 45 CFR 164.528, as well as provide the personal representative access to the individual’s protected health information in accordance with 45 CFR 164.524 to the extent such information is relevant to such representation. In addition to exercising the individual’s rights under the Rule, a personal representative may also authorize disclosures of the individual’s protected health information. In general, the scope of the personal representative’s authority to act for the individual under the Privacy Rule derives from his or her authority under applicable law to make health care decisions for the individual. Where the person has broad authority to act on the behalf of a living individual in making decisions related to health care, such as a parent with respect to a minor child or a legal guardian of a mentally incompetent adult, the covered entity must treat the personal representative as the individual for all purposes under the Rule, unless an exception applies. (See below with respect to abuse, neglect or endangerment situations, and the application of State law in the context of parents and minors). Where the authority to act for the individual is limited or specific to particular health care decisions, the personal representative is to be treated as the individual only with respect to protected health information that is relevant to the representation. For example, a person with an individual’s limited health care power of attorney regarding only a specific treatment, such as use of artificial life support, is that individual’s personal representative only with respect to protected health information that relates to that health care decision. The covered entity should not treat that person as the individual for other purposes, such as to sign an authorization for the disclosure of protected health information for marketing purposes. Finally, where the person has authority to act on the behalf of a deceased individual or his estate, which does not have to include the authority to make decisions related to health care, the covered entity must treat the personal representative as the individual for all purposes under the Rule. State or other law should be
consulted to determine the authority of the personal representative to receive or access the individual’s protected health information.

**Who Must Be Recognized as the Individual’s Personal Representative**
The following displays who must be recognized as the personal representative for a category of individuals:

- **If the Individual Is**: An Adult or An Emancipated Minor  
  **The Personal Representative Is**: A person with legal authority to make health care decisions on behalf of the individual  
  Examples: Health care power of attorney Court appointed legal guardian General power of attorney

- **If the Individual Is**: An Unemancipated Minor  
  **The Personal Representative Is**: A parent, guardian, or other person acting in loco parentis with legal authority to make health care decisions on behalf of the minor child  
  Exceptions: See parents and minors discussion below.

- **If the Individual Is**: Deceased  
  **The Personal Representative Is**: A person with legal authority to act on behalf of the decedent or the estate (not restricted to health care decisions)  
  Examples: Executor of the estate Next of kin or other family member Durable power of attorney

**Parents and Unemancipated Minors**
The Privacy Rule defers to State or other applicable laws that address the ability of a parent, guardian, or other person acting in loco parentis (collectively, “parent”) to obtain health information about a minor child. In most cases under the Rule, the parent is the personal representative of the minor child and can exercise the minor’s rights with respect to protected health information, because the parent usually has the authority to make health care decisions about his or her minor child. Regardless of whether a parent is the personal representative, the Privacy Rule permits a covered entity to disclose to a parent, or provide the parent with access to, a minor child’s protected health information when and to the extent it is expressly permitted or required by State or other laws (including relevant case law). Likewise, the Privacy Rule prohibits a covered entity from disclosing a minor child’s protected health information to a parent, or providing a parent with access to, such information when and to the extent it is expressly prohibited under State or other laws (including relevant case law). Thus, State and other applicable law governs when such law explicitly requires, permits, or prohibits the disclosure of, or access to, the health information about a minor child. The Privacy Rule specifies three circumstances in which the parent is not the “personal representative” with respect to certain health information about his or her minor child. These exceptions generally track the ability of certain minors to obtain specified health care without parental consent under State or other laws, or standards of professional practice. In these situations, the parent does not control the minor’s health care decisions, and thus under the Rule, does not control the protected health information related to that care. The three exceptional circumstances when a parent is not the minor’s personal representative are:

- When State or other law does not require the consent of a parent or other person before a minor can obtain a particular health care service, and the minor consents to the health care service; Example: A State law provides an adolescent the right to obtain mental health treatment without the consent of his or her parent, and the adolescent consents to such treatment without the parent’s consent.
- When a court determines or other law authorizes someone other than the parent to make treatment decisions for a minor; Example: A court may grant authority to make health care decisions for the minor to an adult other than the parent, to the minor, or the court.
- When a parent agrees to a confidential relationship between the minor and the physician. Example: A physician asks the parent of a 16-year-old if the physician can talk with the child confidentially about a medical condition and the parent agrees.

Even in these exceptional circumstances, where the parent is not the “personal representative” of the minor, the Privacy Rule defers to State or other laws that require, permit, or prohibit the covered entity to disclose to a parent, or provide the parent access to, a minor child’s protected health information. Further, in these situations, if State or other law is silent or unclear concerning parental access to the minor’s protected
health information, a covered entity has discretion to provide or deny a parent with access to the minor’s
health information, if doing so is consistent with State or other applicable law, and provided the decision is
made by a licensed health care professional in the exercise of professional judgment.

Abuse, Neglect, and Endangerment Situations
When a physician or other covered entity reasonably believes that an individual, including an
unemancipated minor, has been or may be subjected to domestic violence, abuse or neglect by the personal
representative, or that treating a person as an individual’s personal representative could endanger the
individual, the covered entity may choose not to treat that person as the individual’s personal
representative, if in the exercise of professional judgment, doing so would not be in the best interests of the
individual. For example, if a physician reasonably believes that disclosing information about an
incompetent elderly individual to the individual’s personal representative would endanger that individual,
the Privacy Rule permits the physician to decline to make such disclosure.

Please review the Frequently Asked Questions about the Privacy Rule.
OCR HIPAA Privacy December 3, 2002 Revised April 3, 2003

http://www.hhs.gov/ocr/privacy/hipaa/understanding/consumers/index.html

Who Must Follow The Laws of HIPAA
We call the entities that must follow the HIPAA regulations covered entities. Covered entities include:
• Health Plans, including health insurance companies, HMOs, company health plans, and certain
government programs that pay for health care, such as Medicare and Medicaid.
• Most Health Care Providers—those that conduct certain business electronically, such as
electronically billing your health insurance—including most doctors, clinics, hospitals,
psychologists, chiropractors, nursing homes, pharmacies, and dentists.
• Health Care Clearinghouses—entities that process nonstandard health information they receive
from another entity into a standard (i.e., standard electronic format or data content), or vice versa.

Who Is Not Required to Follow These Laws
Many organizations that have health information about you do not have to follow these laws.
Examples of organizations that do not have to follow the Privacy and Security Rules include:
• life insurers,
• employers,
• workers compensation carriers,
• many schools and school districts,
• many state agencies like child protective service agencies,
• many law enforcement agencies,
• many municipal offices.

What Information Is Protected
• Information your doctors, nurses, and other health care providers put in your medical record
• Conversations your doctor has about your care or treatment with nurses and others
• Information about you in your health insurer’s computer system
• Billing information about you at your clinic
• Most other health information about you held by those who must follow these laws

What Rights Does The Privacy Rule Give Me Over My Health Information
Health Insurers and Providers who are covered entities must comply with your right to:
• Ask to see and get a copy of your health records
• Have corrections added to your health information
• Receive a notice that tells you how your health information may be used and shared
• Decide if you want to give your permission before your health information can be used or shared
  for certain purposes, such as for marketing
• Get a report on when and why your health information was shared for certain purposes
If you believe your rights are being denied or your health information isn’t being protected, you can
   o File a complaint with your provider or health insurer
   o File a complaint with the U.S. Government
You should get to know these important rights, which help you protect your health information.
You can ask your provider or health insurer questions about your rights.

Who Can Look at and Receive Your Health Information
The Privacy Rule sets rules and limits on who can look at and receive your health information
To make sure that your health information is protected in a way that does not interfere with your health care, your information can be used and shared:
   o For your treatment and care coordination
   o To pay doctors and hospitals for your health care and to help run their businesses
   o With your family, relatives, friends, or others you identify who are involved with your health care or your health care bills, unless you object
   o To make sure doctors give good care and nursing homes are clean and safe
   o To protect the public’s health, such as by reporting when the flu is in your area
   o To make required reports to the police, such as reporting gunshot wounds
Your health information cannot be used or shared without your written permission unless this law allows it.
For example, without your authorization, your provider generally cannot:
   o Give your information to your employer
   o Use or share your information for marketing or advertising purposes
   o Share private notes about your health care

http://patients.about.com/od/yourmedicalrecords/a/getmedrecords_2.htm

What If You Are Denied Access to the Record?
There is a protocol and complaint system to follow if you are denied access or copies of your medical records. Just because the law says you have a right to get copies of your medical records doesn't mean all covered entities are willing to supply them. Your doctor or your insurer may deny you access for reasons that make no sense to you, but for some reason are important to them. In most cases, it's illegal for them to deny you access, according to HIPAA laws. The two cases when one would most likely be denied access to a medical record are:

   o **Mental Health Records:** If a provider believes that releasing a mental health record to your care will result in the endangerment of the patient, the provider may deny access to THAT PART OF THE RECORD, not the rest. Note: The provider cannot deny access to part of the record simply because he/she/it thinks the patient will be upset by it.

   o **Instances relating to a Personal Representative:** If you are not the patient, and you are not established to as the Personal Representative of the patient by court, the provider may deny you access to the record. Most providers will require a legal document proving Personal Representation. Be advised that even with such a document – depending on its extent of access granted – you might not have access to the full record. Reference the section entitled “Personal Representative” for more information on this.

Here are the steps to take to determine whether you have a legal right to your medical records, and what to do if you are denied access to your medical records:

   o **Step One - Do you have the right to access your records? and Are they available?**
     o Be sure you have a right to get those records, and that the records are available. There are some circumstances under which you do not have a right to them. Also, there are medical records storage time requirements which vary by the type of record and where it is being kept.

   o **Step Two - Have you followed the protocol for getting copies of your medical records?**
     o Be sure you have followed the right protocol for getting copies of your medical records.
Simply making a phone call may not be enough. There are certain steps you may need to take, including letter-writing and signatures. Included in the protocol is payment for the records. You may be required to pay for your medical records before they are provided. The amount you can be charged will vary by state. If you can't afford them, each state also provides a procedure for reducing the cost.

- **Step Three - Did you make your medical records request from a covered entity?**
  - Be sure you have made the request from a "covered entity."
  - If you make your request from a non-covered entity then your request will not fall under HIPAA laws and requirements. Find one of the covered entities that has your records and make the request there.

- **Step Four - Have you waited long enough to get the records?**
  - Be sure you have waited the entire length of time the organization has, by law, to delay fulfilling your request. By federal law, the maximum amount of time they can delay is 60 days. Some states provide for less time than that. Check with your state's laws [here](http://medicalrecordrights.georgetown.edu/records.html) to learn what your wait time will have to be.

### How to make a complaint if you are denied access to your medical records

Once you are sure you have them completed, if you are still being denied access to your health records, you can make a complaint to the US Department of Health and Human Services. Follow their complaint process against the covered entity that is denying you access.

**Important:** this complaint must be filed within 180 days of the denials. Also, the law prohibits retaliation on the part of the covered entity.
### Appendix 1: List of State Medical Societies

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#### Regional medical organizations

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Other medical organizations
Organization of State Medical Association Presidents
The Forum for Medical Affairs
Appendix 2: List of Allowable Charges by States

**Alabama**

**Section 12-21-6.1 Alabama Code Reproduction**
The reasonable costs of reproducing copies of written or typed documents, or reports shall not be more than:

- One dollar ($1) for each page of the first 25 pages
- Not more than 50 cents ($.50) for each page in excess of 25 pages
- A search fee of five dollars ($5)
- If the medical records are mailed to the person making the request, reasonable costs shall include the actual costs of mailing the medical records
- A person may charge in addition to the above fees, the actual cost of reproducing X-rays and other special medical records

**Alaska**
No information available.

**Arizona**

**A.R.S. 12-2295**
Except as otherwise provided by law, a health care provider or contractor may charge a person who requests copies of medical records a reasonable fee for the production of the records. Except as necessary for continuity of care, a health care provider or contractor may require the payment of any fees in advance.

**Arkansas**

**Arkansas Code Annotated [A.C.A.] Sec. 16-46-106**

- Hospitals and Ambulance Providers
  - May charge a "reasonable amount" for records retrieval and re-storage, in addition to the photocopy charges.

**California**

**California Evidence Code Section 1560-1567**

- Not more than $.10 per page for 8.5x14 inches or less
- $.20 per page for microfilm copies
- actual costs for the reproduction of oversize documents or the reproduction of documents requiring special processing which are made in response to a subpoena
- reasonable clerical costs incurred in locating and making the records available to be billed at the maximum rate of twenty-four dollars ($24) per hour per person, computed on the basis of six dollars ($6) per quarter hour or fraction thereof
- actual postage charges

**Evidence Code Section 1158**

If a patient's attorney requests the medical records:

- Ten cents ($.10) per page for documents 8.5x14 inches or less
- Twenty cents ($.20) per page for document copies from microfilm
- Actual costs for oversize documents or special processing
- Reasonable clerical costs to retrieve records; $4.00 per quarter hour or less
• Actual postage charges

**UPDATE: California Health & Safety Code Section 123100**

**Colorado**

6 C.C.R. 1011-1, Chapter 2, Part 5.2.3.4

For a representative of the patient, other than a "personal representative" as defined in (HIPAA) 45 CFR 164.502(g):

- $16.50 for the first 10 or fewer pages
- $.75 per page for pages 11-40
- $.50 per page for every additional page

The per-page fee for records copied from microfilm shall be $1.50 per page.

Actual postage or shipping costs and applicable sales tax, if any, also may be charged.

For the discharged patient or personal representative:

- Reasonable cost not to exceed $14.00 for the first 10 or fewer pages
- $.50 per page for pages 11-40
- $.33 per page for every additional page

Actual postage may be charged.

Per-page fees for microfilm shall be $1.50 per page.

**Connecticut**

**Title 20 §20-7e(b)**

Upon a written request of a patient, his attorney or authorized representative, or pursuant to a written authorization, a provider, except as provided in section 4-194, shall furnish to the person making such request a copy of the patient's health record, including but not limited to, bills, x-rays and copies of laboratory reports, contact lens specifications based on examinations and final contact lens fittings given within the preceding three months or such longer period of time as determined by the provider but no longer than six months, records of prescriptions and other technical information used in assessing the patient's health condition. No provider shall charge more than:

- Forty-five cents per page, including any research fees, handling fees or related costs, and the cost of first class postage, if applicable.
- Except such provider may charge a patient the amount necessary to cover the cost of materials for furnishing a copy of an x-ray, provided no such charge shall be made for furnishing a health record or part thereof to a patient, his attorney or authorized representative if the record or part thereof is necessary for the purpose of supporting a claim or appeal under any provision of the Social Security Act and the request is accompanied by documentation of the claim or appeal.
- A provider shall furnish a health record requested pursuant to this section within thirty days of the request.

**Section 19a-490b**

Upon the written request of a patient or the patient's attorney or authorized representative, or pursuant to a written authorization, an institution licensed pursuant to this chapter shall furnish to the person making such request a copy of the patient's health record, including but not limited to, copies of bills, laboratory reports, prescriptions, and other technical information used in assessing the patient's health condition.

- No institution shall charge more than sixty-five cents per page, including any research fees, clerical fees, handling fees, or related costs, and the cost of first class postage.

**Delaware**

Delaware Administrative Code, Title 24, Section 30.0
A new rule, effective November 11, 2009, limits the fees a practice may charge Delaware patients for copies of the patient’s medical records that it provides either directly to the patient or to another physician. These fee limits apply to both electronic and paper copies.

- $2.00 per page for pages 1-10
- $1.00 per page for pages 11-20
- $0.90 per page for pages 21-60
- $0.50 per page for pages 61 and above

In addition to the fees above, practices may charge the following:

- When the records are mailed, practices may charge the actual cost of postage or shipping.
- When the type of record requested cannot be photocopied (such as radiology films or fetal monitoring strips), practices may charge the cost of reproducing the records.

Practices may require payment of all costs in advance of releasing the records except for records related to an application for a disability benefits program.

**District of Columbia**

No information available.

**Florida**

**Florida Statutes 395.3025**

Regarding records from hospitals:

- Exclusive charge for copies may include sales tax and actual postage
- Non-paper records not to exceed $2.00 per page
- Paper records not to exceed $1.00 per page
- An additional $1.00 may be charged for each year of records requested

**Rule 64B8-10.003, Florida Administrative Code**

Regarding records from physicians:

- No more than $1.00 per page for the first 25 pages of written material
- $.25 for each additional page
- Actual cost of reproducing nonwritten records such as x-rays

**Georgia**

**Georgia General Assembly Unannotated Code §31-33-3**

- A charge of up to $22.78 may be collected for search, retrieval, and other direct administrative costs
- A fee for certifying the medical records may also be charged not to exceed $8.54 for each record certified
- The actual cost of postage incurred in mailing the requested records may also be charged
- Copying costs for a record which is in paper form shall not exceed
- $0.85 per page for the first 20 pages of the patient's records which are copied
- $0.74 per page for pages 21 through 100
- $0.57 for each page copied in excess of 100 pages
- These numbers reflect July 1, 2003 increase for inflation.
- For medical records which are not in paper form, including but not limited to radiology films, the provider shall be entitled to recover the full reasonable cost of such reproduction.

**UPDATE: July 2009**
Hawaii

Hawaii Revised Statute Section 622-57(g)

- Reasonable costs incurred by a health care provider in making copies of medical records shall be borne by the requesting person.

Idaho

No information available.

Illinois

IL ST CH 735 §5/8-2006

The practitioner shall be reimbursed by the person requesting such records at the time of such copying, for all reasonable expenses, including the costs of independent copy service companies, incurred by the practitioner in connection with such copying not to exceed:

- a $22.28 handling charge for processing the request for copies
- $0.84 cents per page for the first through 25th pages
- $0.56 cents per page for the 26th through 50th pages
- $0.28 cents per page for all pages in excess of 50
- the charge shall not exceed $1.39 per page for any copies made from microfiche or microfilm
- and actual shipping costs

These rates shall be automatically adjusted as set forth in Section 8-2006. The physician or other practitioner may, however, charge for the reasonable cost of all duplication of record material or information that cannot routinely be copied or duplicated on a standard commercial photocopy machine such as x-ray films or pictures.

UPDATE: 2010 Annual Adjustment

Indiana

760 IAC 1-71-3

- $1 per page for the first 10 pages
- $.50 for pages 11-50
- $.25 for pages 51 and higher
- Labor fee not to exceed $20
- Actual cost of mailing the records
- Additional $10 if the request is for copies to be provided within two working days
- $20 for certifying a patient's medical record

Iowa

45 CFR (Code of Federal Regulations) 164.524(c)(4)

If the individual requests a copy of the PHI [protected health information] or agrees to a summary or explanation of such information, the covered entity may impose a reasonable, cost-based fee, provided that the fee includes only the cost of:

- Copying, including the cost of supplies for and labor of copying, the PHI requested by the individual;
- Postage, when the individual has requested the copy, or the summary or explanation be mailed; and
- Preparing an explanation or summary of the PHI, if agreed to by the individual as required by paragraph (c)(2)(ii) of this section.

UPDATE: Charges associated with litigation and Worker's Compensation, July 2008
Kansas
K.S.A. 65-4971(b)
- $17.50 fee for labor
- $.58 per page for first 250
- $.41 per page for additional pages
For copies of records that cannot be duplicated on a standard photocopy machine: “reasonable cost.”

UPDATE: 2010 Annual Adjustment

Kentucky
KRS 422.317
Upon a patient's written request, a hospital licensed under KRS Chapter 216B or a health care provider shall provide, without charge to the patient, a copy of the patient's medical record. A copying fee, not to exceed one dollar ($1) per page, may be charged by the health care provider for furnishing a second copy of the patient's medical record upon request either by the patient or the patient's attorney or the patient's authorized representative.

Louisiana
Louisiana Revised Statutes 40:1299.96
For records, a reasonable charge not to exceed:
- $1.00 per page for first 25 pages
- $0.50 per page for pages 26-500
- $0.25 per page thereafter
- Plus handling charge of $15.00
- Plus actual postage
For x-rays, microfilm, electronic, and imaging media:
- Reasonable reproduction costs
- Plus handling charge of $20.00 for hospitals, $10.00 for other health care providers

House Bill No. 452, Session 2007 Regarding Health Records

Maine
Title 22 Section 1711
- $10 for the first page
- $.35 for additional pages

Maryland
Health-General Article Section 4-304(c)(3)
- Health care provider may charge a fee for copying and mailing not exceeding 50 cents for each page of the medical record. In addition to the fee charged under subparagraph (i) of this paragraph, a hospital or a health care provider may charge:
  - A preparation fee not to exceed $15 for medical record retrieval and preparation
  - The actual cost for postage and handling of the medical record
- This law, originally established in 1994, states that these fees may be adjusted annually for inflation in accordance with the Consumer Price Index

UPDATE: 2009 Annual Adjustment

Massachusetts
243 CMR 2.07(13)(c)
- A fee for copying in excess of $.25/page or a fee for clerical work in excess of $20.00/hour is presumptively unreasonable.
Charges for copies of x-rays and similar documents not reproducible by ordinary photocopying shall be at the licensee's actual cost, plus reasonable clerical fees not in excess of $20.00/hour.

**Chapter 111: Section 70 Records of hospitals or clinics; custody; inspection; copies; fees**

**Michigan**

**Medical Records Access Act 47 of 2004 333.26269 Section 9 Fee:**
- Initial fee of $20.00 per request for a copy of the record
- Paper copies:
  - One dollar per page for the first 20 pages
  - Fifty cents per page for pages 21 through 50
  - Twenty cents for pages 51 and over
- For mediums other than paper, the actual cost of copying
- Postage or shipping costs
- Actual costs incurred for records older than seven years

**UPDATE: 2008**

**Minnesota**

**Minnesota Statute 144.335, Subdivision 5**

When a provider or its representative makes copies of patient records upon a patient's request under this section, the provider or its representative may charge the patient or the patient's representative no more than:
- 75 cents per page, plus $10 for time spent retrieving and copying the records, unless other law or a rule or contract provide for a lower maximum charge
- This limitation does not apply to x-rays
- The provider may charge a patient no more than the actual cost of reproducing x-rays
- Plus no more than $10 for the time spent retrieving and copying the x-rays
- The respective maximum charges of 75 cents per page and $10 for time provided in this subdivision are in effect for calendar year 1992 and may be adjusted annually each calendar year as provided in this subdivision

**UPDATE: 2009 Annual Adjustment**

**Mississippi**

**Section 11-1-52, Mississippi Code of 1972**

- Maximum copying charge is $20.00 for up to 20 pages
- $1.00 per page for the next 80 or more pages
- $.50 per page for all pages thereafter
- 10 percent of the total charge may be added for postage and handling
- $15.00 may be recovered by the medical provider or hospital or nursing home for retrieving medical records in archives at a location off the premises where the facility is located
- Actual cost of reproducing x-rays or other special records

**Missouri**

**Missouri Revised Statutes §191.227**

- A handling fee of $17.05
- Plus a fee of $.40 per page for copies of documents made on a standard photocopy machine
• Providers may charge for the reasonable cost of all duplications of medical record material or information which cannot routinely be copied or duplicated on a standard copy machine.

Provides that effective February 1st of each year, the handling fee and per page fee will be increased or decreased based on the annual percentage change in the unadjusted, U.S. city average, annual average inflation rate of the medical care component of the Consumer Price Index for all urban consumers (CPI-U).

**UPDATE: 2010 Annual Adjustment**

**Montana**

**Montana Code Annotated 50-16-540**

• A reasonable fee for providing health care information may not exceed 50 cents for each page for a paper copy or photocopy
• A reasonable fee may include an administrative fee that may not exceed $15 for searching and handling recorded health care information

**Nebraska**

71-8404

• A provider may charge no more than twenty dollars as a handling fee
• No more than fifty cents per page as a copying fee.
• A provider may charge for the reasonable cost of all duplications of medical records which cannot routinely be copied or duplicated on a standard photocopy machine.
• A provider may charge an amount necessary to cover the cost of labor and materials for furnishing a copy of an X-ray or similar special medical record. If the provider does not have the ability to reproduce X-rays or other records requested, the person making the request may arrange, at his or her expense, for the reproduction of such records.


**Nevada**

**NRS 629.061**

• Actual cost of postage
• Costs of making the copy, not to exceed 60 cents per page for photocopies and a reasonable cost for copies of x-ray photographs and other health care records produced by similar processes
• No administrative fee or additional service fee of any kind may be charged for furnishing a copy

**New Hampshire**

**Title XXX Occupations and Professions Chapter 332-I Medical Records**

• The charge for the copying of a patient's medical records shall not exceed $15 for the first 30 pages or $.50 per page, whichever is greater
• Copies of filmed records such as radiograms, x-rays, and sonograms shall be copied at a reasonable cost.

**New Jersey**

**New Jersey Administrative Code §8:43G-15.3(d)**

**Hospitals**

• $1.00 per page for first 100 pages
• $.25 per page thereafter to a maximum charge of $200.00 for the entire record

**2004 Update**
2005 Readoption from NJ Dept. of Health and Senior Services
New Jersey Administrative Code §13:35-6.5(c)(4)
Doctors:
- $1.00 per page or $100.00 for the whole record, whichever is less

UPDATE: 2008 Copying Charges
New Mexico
16.10.7 NMAC
- $30.00 for the first 15 pages
- $.25 per page thereafter
- The actual cost of reproduction for electronic records and record formats other than paper, such as x-rays

UPDATE: 2009 Adjustment
New York
Sections 17 and 18 of Public Health Law (PHL), Laws of 1991, Chapter 165, sections 48 and 49.
The cost can be no more than Seventy-Five cents ($.75) per page for paper copies and a reasonable charge for diagnostic images, plus postage.
North Carolina
North Carolina General Statutes §90-411
Inclusive of searching, handling, copying, and mailing costs:
- $.75 for first 25 pages
- $.50 for pages 26-100
- $.25 for pages over 100
- Minimum fee of $10.00 permitted

North Dakota
N.D. Cent. Code Section 23-12-14
Upon the request for medical records with the signed authorization of the patient, the health care provider shall provide medical records at a charge of no more than:
- $20 for the first 25 pages
- $.75 per page after 25
- This charge includes any administration fee, retrieval fee, and postage expense.
Ohio
§ 3701.74.1 § 3701.741.
Except as provided in divisions (C) and (E) of this section, a health care provider or medical records company that receives a request for a copy of a patient's medical record from the patient or patient's personal representative may charge not more than the amounts set forth in this section. Total costs for copies and all services related to those copies shall not exceed the sum of the following:
- $2.50 per page for the first ten pages
- $.50 per page for pages eleven through fifty
- $.20 per page for pages fifty-one and higher
- With respect to data recorded other than on paper, $1.70 per page
- The actual cost of any related postage incurred by the health care provider or medical records company

Method to Determine % Change for Ohio Revised Code Section 3701.742
UPDATE: 2009 Adjustment
Oklahoma
76 Okla. Stat. Sec. 19
Any person who is or has been a patient of a doctor, hospital, or other medical institution shall be entitled, upon request, to obtain access to the information contained in the patient’s medical records, including any x-ray or other photograph or image.

- The cost of each copy, not including any x-ray or other photograph or image, shall not exceed One Dollar ($1.00) for the first page and fifty cents ($.50) for each subsequent page.
- The cost of each x-ray or other photograph or image shall not exceed Five Dollars ($5.00) or the actual cost of reproduction, whichever is less.
- The physician, hospital, or other medical professionals and institutions may charge a patient for the actual cost of mailing the patient’s requested medical records, but may not charge a fee for searching, retrieving, reviewing, and preparing medical records of the person.

**UPDATE: Most Recent Statute Change**

**Oregon**

ORS 192.521 Health care provider and state health plan charges

A health care provider or state health plan that receives an authorization to disclose protected health information may charge:

- No more than $30 for copying 10 or fewer pages of written material and no more than $.50 per page for pages 11 through 50 and no more than $.25 for each additional page
- Bonus charge of $5 if request for records is processed and records are mailed by first class mail to the requester within seven business days after the date of the request.
- Postage costs to mail copies of protected health information or an explanation or summary of protected health information, if requested by an individual or a personal representative of the individual
- Actual costs of preparing an explanation or summary of protected health information, if requested by an individual or a personal representative of the individual

**Pennsylvania**

2009 Update to Act 26 of 2008

Act 26 sets the maximum fees that can be charged for medical records. These fees are updated yearly through the Department of Health. With a few exceptions, the maximum fees for a record request from a patient or attorney for 2007 are as follows:

- searching and retrieving the record - $19.80
- pages 1 through 20 - $1.33 per page
- pages 21 through 60 - $.99 per page
- pages 61 and after - $.33 per page
- actual mailing or delivery fees

**Rhode Island**

Rules and Regulations for Medical Copying Fees

- Not more than $0.25 per page for the first 100 pages
- After 100 pages, not more than $0.10 per page
- Maximum fee of $15.00 for retrieval regardless of time spent retrieving
- Special handling fee of an additional $10.00 if records must be delivered within 48 hours of request
- Copying of x-rays or other documents not reproducible by photocopy at physician's actual cost plus clerical fees not to exceed $15.00
South Carolina
SC ST SEC 44-115-80
A physician or other owner of medical records may charge a fee for the search and duplication of a medical record, but the fee may not exceed:
- Sixty-five cents per page for the first thirty pages
- Fifty cents per page for all other pages
- A clerical fee for searching and handling not to exceed fifteen dollars per request
- Plus actual postage and applicable sales tax
- The physician may charge no more than the actual cost of reproduction of an x-ray

Sec. 44-7-325 for Health Care Facilities
- $.65 per page for the first 30 pages
- $.50 per page for all other pages
- Clerical fee not to exceed $15.00
- Plus actual postage

South Dakota
South Dakota Administrative Rules
Reimbursement for copies. The maximum reimbursement for copies of provider records is ten dollars for the first ten pages, and thirty-three cents for each additional page.

Tennessee
Tennessee Code/Title 63 Professions Of The Healing Arts/Chapter 2 Medical Records/63-2-102.
- For other than records involving workers' compensation cases, such reasonable costs shall not exceed twenty dollars ($20.00) for medical records forty (40) pages or less in length
- twenty-five cents ($.25) per page for each page copied after the first forty (40) pages
- the actual cost of mailing

Tennessee Code Annotated 68-11-304
Fees that hospitals can charge patients, their lawyers, or their authorized representatives for hospital records.
- Generally, a hospital may require a "reasonable charge" for copying. The law interprets "reasonable" not to exceed a $18 retrieval fee for the first 5 pages of the record.
- $.85 for pages 6-50.
- $.60 for pages 51-250.
- $.35 for page 251 and thereafter.

Texas
Texas Health and Safety Code §241.154:
Hospitals:
A basic retrieval or processing fee not to exceed $42.54 for first 10 pages of records; then,
- $1.43 per page for pages 11-60
- $.71 per page for pages 61-400
- $.37 per page for any remaining pages
- Plus actual cost of mailing or shipping
PROCESS OF RETRIEVING MEDICAL RECORDS

- If the requested records are stored on any microform or other electronic medium, a retrieval or processing fee, which must include the fee for providing the first 10 pages of the copies and which may not exceed $64.81, and:
  - $1.43 per page thereafter
  - Actual cost of mailing, shipping, or otherwise delivering the provided copies

**Title 22 Part 9 Chapter 165 Rule 165.2**

**Doctors:**
No more than $25.00 for the first 20 pages; then,
- $.50 per page for every copy thereafter
- In addition, actual cost of mailing or shipping
- Also, a reasonable fee not to exceed $15.00 for executing affidavit.

**22 Texas Administrative Code §165.3**

**Doctors:**
- Maximum charge for x-rays and diagnostic imaging studies $8.00 per copy

**Utah**

*Utah Code*
**Title 78B, Chapter 5, Section 618: Patient access to medical records.**

- A health care provider who provides a copy of a patient's records to the patient or the patient's personal representative may charge a reasonable fee to cover the health care provider's costs.

**Vermont**

**18 V.S.A. § 9419. Charges for access to medical records**

- A custodian may impose a charge that is no more than a flat $5.00 fee or no more than $0.50 per page, whichever is greater, for providing copies of an individual's health care record
- A custodian may charge an individual a fee, reasonably related to the associated costs, for providing copies of x-rays, films, models, disks, tapes, or other health care record information maintained in other formats

**Virginia**

*Va. Code Section 8.01-413 (2003)*

A reasonable charge may be made for the service of maintaining, retrieving, reviewing and preparing such copies. Except for copies of X-ray photographs, however, such charges shall not exceed:
- fifty cents per page for up to fifty pages
- twenty-five cents a page thereafter for copies from paper or other hard copy generated from computerized or other electronic storage, or other photographic, mechanical, electronic, imaging or chemical storage process
- one dollar per page for copies from microfilm or other micrographic process plus all postage and shipping costs and a search and handling fee not to exceed ten dollars.
- Copies of hospital, nursing facility, physician's, or other health care provider's records or papers shall be furnished within fifteen days of such request.

**VA Code § 32.1-127.1:03. Health Records**

If an individual or his agent/attorney requests a copy of his own medical records, the health care entity may impose a reasonable cost-based fee, which shall include the cost of supplies for and labor of copying the requested information, as well as postage where applicable.
Washington

WAC 246-08-400
- No more than ninety-six cents per page for the first thirty pages
- No more than seventy-three cents per page for all other pages
- The provider can charge a twenty-two dollar clerical fee for searching and handling records
- If the provider personally edits confidential information from the record, as required by statute, the provider can charge the usual fee for a basic office visit

UPDATE: July 2009 through June 2011

West Virginia

West Virginia Code §16-29-2(a)
- $10.00 maximum search fee plus “reasonable expenses” provided that the cost may not exceed $.75 per page for copying of records already reduced to written form

Wisconsin

Wisconsin Chapter HFS 117.05(2)(3)
Requests for records from the patient or requests from the personal representative of the patient. If a patient or if the personal representative of the patient requests copies of the patient's health care records, the health care provider may charge no more than the following fees:
- Thirty-one cents ($0.31) per record page.
- For x-rays, $5.25 per x-ray copy
- Actual costs of postage or other means of delivering the requested duplicate records to the attorney.
- Sales taxes, if applicable, also may be added to the fees charged under this subsection.

Requests for records from individuals other than the patient or the patient's personal representative. If a person is requesting copies of another person's health care records and the person making the request is not the personal representative of the patient, a healthcare provider may charge the following:
- $12.50 for the first five pages
- $15.00 for five or more pages
- $.31 per record page
- $5.25 per x-ray copy
- Actual cost of postage
- $5.00 for certifying up to five pages
- $7.50 for certifying more than five pages

UPDATE: 2009 Adjustment

Wyoming

Wyoming Statutes Title 35, Chapter 2, Article 6, Section 35-2-611(b)
The hospital may charge a reasonable fee, not to exceed the hospital's actual cost, for providing the health care information and is not required to permit examination or copying until the fee is paid.