



April 1, 2016

The Honorable Will Hurd
Chairman
Subcommittee on Information Technology
House Committee on Oversight
and Government Reform

The Honorable Robin Kelly
Ranking Member
Subcommittee on Information Technology
House Committee on Oversight
and Government Reform

The Honorable Jim Jordan
Chairman
Subcommittee on Health Care, Benefits,
and Administrative Rules
House Committee on Oversight
and Government Reform

The Honorable Matthew Cartwright
Ranking Member
Subcommittee on Health Care, Benefits,
and Administrative Rules
House Committee on Oversight
and Government Reform

Re: Recommendations on Harmonization of Privacy Laws

Dear Chairmen Hurd and Jordan, and Ranking Members Kelly and Cartwright:

Thank you very much for the opportunity to testify at the Subcommittees' joint hearing on health information technology (health IT) on March 22, 2016. I am pleased to provide additional comments regarding the harmonization of privacy laws.

Secure and private electronic information exchange can enable safe, more effective and more coordinated care; greater consumer engagement in health; and ultimately improved patient experiences and health outcomes. However, misunderstanding and confusion persist about when health care providers and other entities covered under the Health Insurance Portability and Accountability Act (HIPAA) are permitted to share a patient's protected health information – with other providers and with patients themselves.

Ultimately, this confusion can result in organizational policies and practices more likely to restrict appropriate health-related data sharing, rather than enable or promote it.

To address this multifaceted issue, **we offer the following recommendations:**

- Efforts should focus now on harmonizing HIPAA-covered entities' organizational practices with current law and guidance on data sharing, which may alleviate confusion without having to harmonize laws.
 - Education initiatives are necessary to inform both patients and providers on the correct application of data sharing and privacy laws.
 - This will in turn help to harmonize patient experiences so that they are consistent regardless of provider, setting of care, or state of residence.
- For health IT and patient data not governed by HIPAA (for example, stored in apps and other electronic platforms), consumers need transparent, easy-to-follow information about how their data are collected and used.

The issue: Misinterpretation of HIPAA poses significant barriers to data sharing

HIPAA governs the collection, use and disclosure of individually identifiable health information by covered entities. Specifically, the HIPAA Privacy Rule and Security Rule set forth requirements to assure that individuals' health information is properly protected while allowing the flow of health information needed to provide and promote high quality health care.

HIPAA sets baseline rules for how health care entities may collect, use and share patients' health information whether in paper or electronic form. But as the health landscape changes rapidly due to the transition from paper-based to electronic health records (EHRs) and the increase in consumer digital health tools (including wearables, telehealth, and smartphone applications), many providers struggle to understand how to comply with data sharing and other patient privacy requirements in the electronic health ecosystem. This confusion is compounded by individual state laws that may provide greater protection, or additional restrictions, with regard to sharing of certain categories of patient data such as psychotherapy notes and substance abuse information.

Early feedback from our GetMyHealthData campaign¹ has illuminated the numerous barriers that individuals face in accessing and using their electronic health data. Consumers navigate a complex, confusing, time-consuming and costly process to request their medical records and other health information under the traditional HIPAA records request process. Sometimes, uncertainty or confusion over HIPAA permitted disclosures of health information leads providers to refrain from sharing patient data with patients themselves. For example, Adele (last name withheld) shared:

“Medical providers treat my data as if it were top secret. I understand their concern about revealing my data to third parties, but many are reluctant to reveal it to me. How can I make informed decisions about my own health if I don't have information?”

Additionally, many providers do not understand the rights that patients have to copies of their health records and other information in digital formats. Under the HIPAA amendments made by the HITECH Act, consumers have a legal right to an electronic copy of their health information. The Administration recently clarified that consumers can exercise this right with any covered entity as long as the provider can produce the data electronically, noting that making digital copies available is a matter of capability rather than willingness. Again, numerous GetMyHealthData volunteers have reported being told that electronic copies of their health records are not available to patients; as more than one volunteer was told, “We don't do that.”

There is also persistent confusion and misunderstanding regarding the fees that providers are legally allowed to charge patients. For instance, we have collected examples of patients being charged per-page fees for electronic copies of their record and being charged

¹ GetMyHealthData is a national campaign, coordinated by the National Partnership for Women & Families, in partnership with AHIMA, Amida, Alliance for Nursing Informatics, Code for America, Flip the Clinic, the Genetic Alliance, Health Data Consortium, NATE, and other individual thought leaders/experts. The campaign helps patients gain access to their health information in electronic, computable formats, offers educational resources to patients and providers, and advocates for advancements in policy and practice.

expensive fees upon receiving their record, with no estimate provided in advance. These costs often pose significant barriers for patients in accessing their health information.

One of our GetMyHealthData volunteers is the mother of a child with a rare genetic syndrome. Megan shared her story of overcoming many obstacles – from high fees to puzzling policies and procedures – to get copies of her daughter’s medical records from five hospitals in the mid-Atlantic area so she could better coordinate her daughter’s care. The costs associated with getting records from each hospital differed wildly (see Appendix A). This kind of variation, between providers in the same region as well as across all fifty states, creates additional stress and confusion for consumers and patients who are trying to access and use their health data to improve their own health, or manage the care of a loved one (see Appendix B).

Therefore, the first task at hand is to harmonize providers’ practices with existing laws for securely and appropriately sharing health information between providers and with patients. While we recognize that the relationship between diverse federal and state privacy laws complicates the process of sharing health information, **from a consumer perspective, increasing education and consistent application of existing federal laws and regulations is the critical first step in facilitating the secure and appropriate sharing of data, both between providers and with patients.**

Recommendation: *Clarify how existing laws (such as the HIPAA Privacy Rule) apply to access to health information and data sharing*

The Department of Health and Human Services’ (HHS) Office of Civil Rights (OCR) recently published guidance that provides clarification on components of providing patients access to their health information, including how long providers have to respond to requests, the format in which providers must provide copies, and what reasonable fees they are allowed to charge.

However, federal guidance and enforcement alone are not sufficient. Complementary education efforts are needed to help providers proactively and successfully bring their practices into compliance with privacy laws.

Recommendation: *Provide transparency about data sharing practices for digital health tools not covered under HIPAA*

The rapid transition to digital health information sharing has also spurred innovation of new devices, applications and technologies. While other regulations may apply, HIPAA’s privacy and security protections do not apply to many commercial apps and personal health records (PHRs) unless provided by HIPAA-covered entities such as providers, payers or their business associates.

As consumers increasingly use health apps and devices not covered under HIPAA, it is critical that they understand the data use and sharing practices of these apps to make informed choices on where to store and access their data. **A standardized, consumer-friendly disclosure of data sharing practices and privacy policies gives patients this kind of transparent view into these tools.** This useful way of explaining uses of data is important

because almost 90 percent of consumers report that it is important to them to know how their information is collected and used.²

The federal government continues to take steps to make it easier for the private sector to provide patients this kind of transparency. Notably, the Office of the National Coordinator for Health Information Technology (ONC) creates and promotes a Model Privacy Notice – a template that technology developers can voluntarily use to explain the data sharing practices of their personal health record product or application in a simple, usable way. The second iteration of this Model Privacy Notice is under development to reflect the diversity of technology and data that individuals can now use to manage their health and wellness, as well as new business models.

While the Model Privacy Notice is a great tool to disclose data sharing and privacy practices to consumers, many technology developers do not know that it is available to them. We encourage the federal government to work with the private sector to disseminate the tool and educate developers about why its use is important for consumers and essential to promote patient trust overall.

Therefore, **we suggest that robust education and implementation efforts be the first step towards harmonizing provider practices with existing law and ensuring consistency of patient experience accessing and using their data**, in order to equip patients and providers with the information and tools they need to appropriately share and use health data.

Thank you to the Committee for its interest in advancing health information technology and for the continued opportunity to share the consumer perspective on privacy and data sharing. If you have any questions about our recommendations, please contact Mark Savage, Director of Health IT Policy and Programs, at msavage@nationalpartnership.org or (202) 986-2600.

Sincerely,

A handwritten signature in purple ink that reads "Mark Savage". The signature is written in a cursive, flowing style.

Mark Savage
Director of Health IT Policy and Programs

Attachments:
Appendix A
Appendix B

² National Partnership for Women & Families, *Engaging Patients and Families: How Consumers Value and Use Health IT* (Dec. 2014), available at <http://www.nationalpartnership.org/research-library/health-care/HIT/engaging-patients-and-families.pdf>.

Appendix A

Hospital and Department Name	Fees	Additional Details
<p>A Medical Records and Health Information Management Department</p>	<ul style="list-style-type: none"> • \$0.49 per page for pp. 1–10 if patient is willing to receive records by email • \$0.76 per page for pp. 11+ if patient wants mailed copies • No fee if doctor requests records 	<ul style="list-style-type: none"> • Medical Records Release form available online • Records could be emailed or mailed • No electronic records or CDs available
<p>B Care Management Department</p>	<ul style="list-style-type: none"> • \$1.45 per page • No fee if doctor requests records or if records go to another facility 	<ul style="list-style-type: none"> • Authorization can be faxed if doctor is authorizing • If family is making request, mail is used • Release form must be mailed
<p>C Medical Records Request Department</p>	<p>Electronic:</p> <ul style="list-style-type: none"> • No charge if released to MyChart • \$0.13 per page for CD or thumbdrive • \$10.00 per CD for radiology images • No charge for continuing care <p>Paper:</p> <ul style="list-style-type: none"> • \$0.50 per page for pp. 1–50 • \$0.25 per page for pp. 51+ • \$1.00 per page for Microfilm • No charge for continuing care 	<ul style="list-style-type: none"> • Authorization to Release/Disclose Protected Health Information forms available online, but a hard copy must be signed and sent to the office • If picked up, CD takes 5-7 business days to prepare • If mailed, CD arrives in 15 business days
<p>D Health Information Management Department</p>	<ul style="list-style-type: none"> • \$0.50 per page for pp. 1–50 • \$0.25 per page for pp. 51+ • No fee if doctor requests paper records • Providers pay \$0.50 per page if records are emailed 	<ul style="list-style-type: none"> • Had to go in person to access records
<p>E Health Information Management Department</p>	<ul style="list-style-type: none"> • \$0.39 per page • No fee if doctor requests records 	<ul style="list-style-type: none"> • Authorization for Release of Medical Information form available online • Doctor's authorization required • Records will arrive in 21 business days to patient/caregiver

Appendix B

Medical Records Copying Charges

As a public service on this web page we list the various state statutes that control the amount of money doctors, hospitals, and other health care providers can charge for copies of **medical records provided to the patient or the patient's attorney for use in personal injury or wrongful death civil cases**. Note that there may be other statutes which pertain to workers' compensation claims, Social Security disability matters, etc.

We update this page when we learn of new statutes or revisions to statutes already posted; as such, there is no regular time point at which we do this. **We cannot and do not represent that all statutes are up-to-date**. One type of revision which is especially hard for us to keep track of has to do with **cost changes** allowed annually by a statute and based on some indexed inflation rate.

Please always **view the actual statute when there is a link** available and always **check any "UPDATE" link** which you may see for a particular state because these items could contain cost information that is more current than the summary text which appears on this web page.

If you are aware of an additional statute which should be posted on this web page, please send a link to the relevant statute to [Tom Lamb](#).

Likewise, any clarifications, corrections, or updates regarding the statutes listed on this web page should be submitted to [Tom Lamb](#).

Under the Health Insurance Portability and Accountability Act (HIPAA) a covered entity can only charge "reasonable" cost-based fees for providing the medical records to patients. [See 45 CFR 164.524\(c\)](#). Arguably, fees that are not cost-based, even if permitted by a state statute, may be contrary to the HIPAA regulation and therefore preempted by this federal regulation.

Lastly, state and federal regulations require hospitals and certain other institutional health care providers to maintain medical records for specified periods, but those laws usually do not apply directly to physicians or physician groups. [See this 50 state survey of record retention requirements](#) list found on the [www.HealthIT.gov](#) website (note: list appears to have been created in 2008)..

Please understand that the materials on this web page are for general information purposes only, and is **not intended as legal advice**.

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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

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](#)

Medical Clinics and Doctors' Offices

- May charge no more than \$0.50 for the first twenty-five (25) pages
- No more than \$0.25 per page thereafter for existing records
- A labor charge not exceeding \$15.00 may be added or a reasonable retrieval fee for off-site stored records
- Actual cost of any required postage may also be charged

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

C.R.S. 25-1-802. Patient records in custody of individual health care providers

Colorado law establishes the following reasonable fees that a health care facility may charge a third party. The fees may not exceed the following:

- For the first ten pages: \$18.53
- For the next thirty pages (pages 11 through 40): 85 cents per page
- Each additional page after page 40 : 57 cents per page (all records except those stored on microfilm) or \$1.50 per page (records stored on microfilm)
- Actual reproduction costs for each copy of a radiograph
- Certification of medical records, if requested: \$10.00 fee
- Actual postage and electronic media costs if applicable
- Applicable taxes

Connecticut

Title 20 §20-7c(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:

- Sixty-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: 24 Del. Code, Chapter 1700, Section 29

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

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

Florida Statutes 395.301, Itemized Patient Bill

- The facility may not charge the patient for making such verification records available; however, the facility may charge its usual fee for providing copies of records as specified in s. 395.3025.

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
- "Recognizing that patient access to medical records is important and necessary to assure continuity of patient care, the Board of Medicine urges physicians to provide their patients a copy of their medical records, upon request, without cost, especially when the patient is economically disadvantaged."

Georgia

Georgia General Assembly Unannotated Code §31-33-3

- A charge of up to \$25.88 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 \$9.70 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
 - \$0.97 per page for the first 20 pages of the patient's records which are copied
 - \$0.83 per page for pages 21 through 100
 - \$0.66 for each page copied in excess of 100 pages
 - These numbers reflect July 1, 2011 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 2014

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

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 \$24.81 handling charge for processing the request for copies
- \$0.93 cents per page for the first through 25th pages
- \$0.62 cents per page for the 26th through 50th pages
- \$0.31 cents per page for all pages in excess of 50
- the charge shall not exceed \$1.55 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: 2014 Annual Adjustment

Indiana

760 IAC 1-71-3

- First 10 pages - \$1.00 per page; no per page charge is allowed for the first 10 pages if a labor fee is charged
- Pages 11 through 50 - \$0.50 per page
- Pages 51 and higher - \$0.25 per page
- Labor fee - \$20.00
- Actual costs of mailing

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) which required the Secretary of Labor to annually adjust the maximum fees that may be charged for non-workers compensation medical records copying, was repealed by the 2011 Kansas Legislature. Without any state guidelines, federal law governs the establishment of copying charges.

See "Allowable charges for copying records" (from the Kansas Medical Society)

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 \$25.00
- 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

Maine

Title 22 Section 1711

- \$5 for the first page
- \$.45 for additional pages
- Up to a maximum of \$250

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: 2012 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.

MEDICAL RECORD COPYING FEE: 2013 UPDATE

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: 2014

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: 2014 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 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: 2015 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

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.

Source: Laws 1999, LB 17, § 4. Effective date August 28, 1999.

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: 2012 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
§ 3701.741

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

UPDATE: 2014 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.
- May produce the records in digital form at a cost not to exceed twelve cents (\$.12) per digital 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: Revised 11/2013

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

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

UPDATE: 2015 Adjustment

Rhode Island
Rules and Regulations [for Medical Records]
(see Section 11.2, at pages 11-12)

- 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 for Doctors

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

SC ST SEC 44-7-325 for Hospitals

- \$.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

2014 Update for both Doctors and Hospitals Statutes

South Dakota

[South Dakota Codified Laws 36-2-16](#)

Medical records released to patient or designee on request: Licensee may require before delivery that the patient pay the actual reproduction and mailing expense.

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.

UPDATE: 2010

Texas

[Texas Health and Safety Code §241.154:](#)

MAXIMUM FEES ALLOWED FOR PROVIDING HEALTH CARE INFORMATION EFFECTIVE OCTOBER 2013: <http://www.dshs.state.tx.us/WorkArea/DownloadAsset.aspx?id=50965> (PDF)

Hospitals:

A basic retrieval or processing fee not to exceed \$45.02 for first 10 pages of records; then,

- \$1.51 per page for pages 11-60
- \$.75 per page for pages 61-400
- \$.40 per page for any remaining pages
- Plus actual cost of mailing or shipping

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 \$68.58, and:

- \$1.51 per page thereafter
- Actual cost of mailing, shipping, or otherwise delivering the provided copies

If the requested records are provided on a digital or other electronic medium and the requesting party requests delivery in a digital or electronic medium, including electronic mail:

- a retrieval or processing fee, which may not exceed \$81.57; and
- the 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 § 32.1-127.1:03. Health records privacy.](#)

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.

NOTE: As to what may be regarded as "reasonable" in connection with the above statute, see:

[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.

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 2013 through June 2015

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
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Wisconsin
Section 146.83

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:

1. For paper copies: \$1 per page for the first 25 pages; 75 cents per page for pages 26 to 50; 50 cents per page for pages 51 to 100; and 30 cents per page for pages 101 and above.
 2. For microfiche or microfilm copies, \$1.50 per page.
 3. For a print of an X-ray, \$10 per image.
 4. If the requester is not the patient or a person authorized by the patient, for certification of copies, a single \$8 charge.
 5. If the requester is not the patient or a person authorized by the patient, a single retrieval fee of \$20 for all copies requested.
 6. Actual shipping costs and any applicable taxes.
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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.

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