

## GENERAL INFORMATION: POSTING OF FEE SCHEDULE FOR MEDICAL RECORDS ACCESS REQUESTS

If your office charges for medical records, HIPAA requires your office to post these charges and to notify patients requesting records of the charges. This document contains sample pricing, you can change the pricing but it must be based on:

“The Privacy Rule permits a covered entity to impose a reasonable, cost-based fee if the individual requests a copy of the PHI (or agrees to receive a summary or explanation of the information). The fee may include only the cost of:

- (1) labor for copying the PHI requested by the individual, whether in paper or electronic form;
- (2) supplies for creating the paper copy or electronic media (e.g., CD or USB drive) if the individual requests that the electronic copy be provided on portable media;
- (3) postage, when the individual requests that the copy, or the summary or explanation, be mailed; and
- (4) preparation of an explanation or summary of the PHI, if agreed to by the individual.

The fee may include only the cost of certain labor, supplies, and postage. **The failure to provide advance notice is an unreasonable measure that may serve as a barrier to the right of access.** Thus, this requirement is necessary for the right of access to operate consistent with the HIPAA Privacy Rule. Further, covered entities should post on their web sites or otherwise make available to individuals an approximate fee schedule for regular types of access requests. In addition, if an individual requests, covered entities should provide the individual with a breakdown of the charges for labor, supplies, and postage, if applicable, that make up the total fee charged. We note that this information would likely be requested in any action taken by OCR in enforcing the individual right of access, so entities will benefit from having this information readily available.”

### **For Your Information Only: DO NOT POST**

The fee for labor may not include costs associated with verification; documentation; searching for and retrieving the PHI; maintaining systems; recouping capital for data access, storage, or infrastructure; or other costs not listed above even if such costs are authorized by State law.

### **DO NOT ALLOW COPY SERVICES TO CHARGE MORE THAN THE ALLOWED RATES.**

SEE GUIDANCE DOCUMENTS: AccessVsAuthorization and Access Guidance by OCR in Step 3.

# Suggested Notice of Pricing for Medical Records

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In keeping with the Office for Civil Rights Guidance our practice is posting the following fees for Access Requests by patients. Requests for medical records through valid Authorizations are based on the state approved rates.

## **FEES FOR ACCESS REQUESTS**

### **Paper Copies:**

1 to 5 Pages – No Charge.

For records of 50 pages or less we charge a flat fee of \$6.50.

For records request of over 50 pages we charge **.14 to .25** per page for the actual cost and a labor fee\* based on the time required to Photocopying paper PHI; Scan paper PHI into an electronic format; Convert electronic information in one format to the format requested by or agreed to by the individual; Transferring (e.g., uploading, downloading, attaching, burning) electronic PHI from a covered entity's system to a web based portal (where the PHI is not already maintained in or accessible through the portal), portable media, email, app, personal health record, or other manner of delivery of the PHI; Creating and executing a mailing or email with the responsive PHI. *You may request an estimate based on your individual request.*

### **Electronic Records:**

Email of records is a flat fee of \$6.50

Records requests to be placed on a CD: a flat fee of \$6.50.

Transfer to App or Health Record (if we have the capability and security considerations are in place): \$6.50

Thumb Drive\*\* or Other Supported Media: Actual cost of the media, labor involved as described above and postage if the device is mailed. (Approximate Cost is \$25.00).

### **Films and Other Non-Standard Paper Requests**

Actual cost to produce plus labor as described above and postage.

### **Portal Requests: Free**

Remember many of your records can quickly and accurately on our patient portal. Ask our staff how to access your records today. There is no charge for portal access to your records.

### **(Place Portal Information Here)**

Should the above pricing for copies to medical records present a financial hardship, please let our office know.

\*Our practice uses Average Costing to determine labor costs. The Average Fee Labor Cost Worksheet of our charges is available from our HIPAA Compliance Officer.

\*\*For security purposes our practice is not allowed to accept patients' thumb drives or other portable media because they must be attached to our network to transfer the files and pose a security threat to our network.