



Restrictions on Medical Records Copying Charges for 2015

Physicians generally may charge for providing copies of patient medical records. However, the Pennsylvania Judicial Code and federal law limit the allowable charge and in some cases prohibit any charge. The lesser of the Judicial Code and federal limits applies when both are applicable. Health care providers are not required to charge for providing copies. Physicians often waive any charge that otherwise would be allowed, especially when providing a copy to the patient or another physician or health care provider for treatment purposes.

The following charts show the maximum charges allowed by the Judicial Code for 2015. The Judicial Code limits do not apply to X-ray film or any other portion of a medical record that cannot be reproduced photostatically. Unless otherwise noted in the chart, for paper copies provided to a patient or the patient's personal representative HIPAA only permits a reasonable cost-based fee for copying and postage. For electronic protected health information (PHI), upon request of a patient, federal law requires health care providers to provide an electronic copy to the patient and to transmit an electronic copy to a third party. The fee may not exceed the labor cost to copy and transmit the record.

*The chart does not address patient confidentiality considerations, including whether a HIPAA patient authorization is required.

| General Rules | | | | |
|--|-----------------------------|--------|----------------------------------|---------------------------------|
| Source of request | Copying (per page) | | Retrieval | Postage, shipping, and delivery |
| Patient | Paper | | Prohibited by HIPAA privacy rule | Actual cost |
| | Pages 1-20 | \$1.46 | | |
| | Pages 21-60 | \$1.08 | | |
| | Pages 61+ | \$0.36 | | |
| | Microfilm | \$2.16 | | |
| Personal representative, such as parent of minor | Same as limits for patients | | Prohibited by HIPAA privacy rule | Actual cost |
| Designee of patient, such as attorney with authorization | Same as limits for patients | | \$21.69 | Actual cost |

| Special Purpose Requests | | | |
|--|------------------|--------------------------------|---------------------------------|
| To support | Copying | Retrieval | Postage, shipping, and delivery |
| Social Security claim or appeal | \$27.48 flat fee | No additional charge permitted | Actual cost |
| Federal or state needs-based benefit program | \$27.48 flat fee | No additional charge permitted | Actual cost |

The physician may require the requester to provide documentation of the purpose of the request, such as an appointment of representative form (SSA-1696-U4) when the patient's attorney makes the request for a Social Security claim or appeal.

| Third party requests | | | |
|---|---|--------------------------------|---------------------------------|
| Source of request | Copying | Retrieval | Postage, shipping, and delivery |
| Subpoena (except as below) | Same as limits for patients | \$21.69 | Actual cost |
| Subpoena from district attorney | \$21.69 | No additional charge permitted | Actual cost |
| Commonwealth agency (executive or independent), such as licensing board | Not permitted as general rule Allowed only if required by law or authorized by agency guidelines, statements of policy, or notice in Pennsylvania Bulletin | | |