



Making copies . . .

What is a fair CHARGE?

How much should you charge your patients for copies of their personal medical records?

by Jeanine Freeman, JD

Records of a patient's care belong to the physician but patients have a right of access to information in them.

What about charging for copies of medical records?

IMS' Physician's Guide to Iowa Law and Medical Records offers the following: *1) Physicians may establish reasonable charges for the costs of copying medical records.*

This statement is consistent with AMA Ethical Opinion 7.02. The Principles of Cooperation for Attorneys and Physicians, developed by IMS and the Iowa Bar, and the Iowa Code § 622.10(3)

acknowledge that a physician may assess a reasonable charge for medical records provided in the course of litigation.

2) Charges should be based on actual time spent by the office staff and the physician in reviewing the records and processing the request.

The Principles of Cooperation say the same thing. Iowa Code § 622.10(3) says that fees for records produced in litigation shall be based upon "actual cost of production." The Iowa Health Information Management Association says that "production" includes actual copying costs and personnel and other expenses associated with processing a request.

3) A patient should not be denied copies because of an inability to pay.

This same principle should be borne in mind in developing a medical record fee schedule that may be reasonable given all of the factors set out above but may be

viewed as cost prohibitive or unreasonable by many patients. A common complaint is high charges for record requests of less than 10 pages — a complaint frequently passed on to local lawmakers.

4) Access to medical records shall not be denied because of an unpaid bill.

This statement is taken from AMA Ethical Opinion 7.02. Violation of this principle subjects the physician to disciplinary action by the Iowa Board of Medical Examiners.

Rules of the Iowa industrial commissioner set a schedule of maximum charges for preparing a copy of a medical record in worker compensation cases. While not binding in other situations, the rules (available from IMS) might be helpful in evaluating the reasonableness of an office record fee schedule.

Schedule of maximum charges for preparing copies of medical records in worker compensation cases

- \$20 for 1 to 20 pages
- \$20 plus \$1 per page for 21-30 pages
- \$30 plus \$.50 per page for 31-100 pages
- \$65 plus \$.25 per page for 101 to 200 pages
- \$90 plus \$.10 per page for more than 200 pages

For instance, a 41-page medical record shall not exceed \$35.50 (\$30 plus \$.50 for each page over 30). Postage may be added.



Jeanine Freeman is vice president of public policy and advocacy for the Iowa Medical Society. Information in this column is not intended to be legal advice. Call your attorney with specific questions or concerns.