

## Can You Charge for Requests for Records?

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Q: I am getting numerous requests for records from patients, attorneys and third parties. I believe I can charge for this but how much, and are there codes?

A: Request for records may be made by the patient, insurance carriers, attorneys or others, as long as they have a written request and there is a proper HIPAA-compliant authorization for release of records signed by the patient or guardian. The exception to this requirement are records that are being subpoenaed, as they would not require a signed authorization by the patient. Such a request is a court order and supersedes a need for authorization.

Yes, the requested party may charge for the production of these records. In the past, providers would not have charged any fees when the requesting party was another doctor's office or the patient. This was done so as a courtesy to the patient or other health care provider. However, this has changed greatly in recent years, and providers are beginning to charge for the production of records. Note that for years, Kaiser (a major insurer) never charged a patient for a copy of their records but now routinely does so. In my opinion, this makes sense since producing records is directly related to staff time, cost of copies and mailing costs.

Commonly, a billing code is not necessary and a simple itemized statement with the fee for copies is adequate for payment. However, should the requestor require or demand that a billing code be used, there are HCPCS codes that describe the service:

S9981 - Medical records copying fee, administrative

S9982 - Medical records copying fee, per page

There are two codes because there are separate components to the services. The first is the administrative time which may include locating, copying, mailing, etc and a per page fee for the actual copies.

The fees for administrative and copying do vary by state and locality. For instance, per California Evidence Code 1560-1567, there is an allowance of \$24 per hour administrative and 10 cents per page. In Connecticut, under title 20 20-7 c(b), the fee is 45 cents per page and is inclusive for administrative fees. Florida allows \$1 per page for the first 25 pages and then 25 cents for each additional page. In Illinois, the administrative fee is \$22.48 with the first 25 pages at 84 cents each, pages 26-50 at 56 cents each, and anything above 50 pages at 28 cents each.

To view the specific laws from your state regarding copying of medical record fees, go to the following Web site: [www.lamblawoffice.com/medical-records-copying-charges.html](http://www.lamblawoffice.com/medical-records-copying-charges.html), which lists all states in alphabetical order with citation of the specific law and the fees allowed.

