



## Medical Records Copying Fee as of January 2018

Certain provisions of Maryland law that went into effect on October 1, 2016 address medical records in an electronic format. [House Bill 724](#) (Chapter 724 of 2016) to learn about medical records used or maintained in an electronic format and requested in an electronic format. Under Health-General Article, §4-304, Annotated Code of Maryland, health care providers are permitted to charge patients (or the patient's authorized representative) a fee for copying medical records.

- The fee for copying records in electronic format is **75% of the per-page fee** (see below) and **may not exceed \$81.63**, as well as the **actual cost of postage and handling**. Health care providers may charge a **preparation fee of \$22.88**, if the records are sent to a provider or a person other than the patient or the patient's personal representative. Federal HIPAA regulations do not allow a charge for a preparation fee for records provided directly to the patient.
- The fee for copying paper records is not to exceed **.83 cents for each page** of the medical record and the **actual cost of postage and handling**. Health care providers may charge a **preparation fee of \$22.88**, if the records are sent to another provider or a person other than the patient or the patient's personal representative. Federal HIPAA regulations do not allow a charge for a preparation fee for records provided directly to the patient.

More information on the Consumer Price Index can be found at:

<https://www.bls.gov/bls/proghome.htm>

The following rules continue to apply:

- No fee may be charged to transfer the records of a Medicaid recipient to another provider.
- A practitioner may not withhold medical records because of unpaid fees for medical services.
- The records may not be withheld under an emergency request from a state or local governmental unit concerning a child protective services or adult protective services case pending payment.
- A physician should not withhold records that have been subpoenaed pending payment of copying and preparation charges but may bill any non-governmental entities subpoenaing records.

In the opinion of MedChi's Committee on Ethics and Judicial Affairs, records should not be withheld from another health practitioner pending payment of the copying fees if to do so would hinder an ill patient from receiving needed medical attention.

Physicians may **NOT** demand payment of the allowed charges before turning the records over to a patient or other authorized person. The Board of Physicians is empowered to discipline a physician who fails to comply with the requirements of the Medical Records Act and HIPAA.