

# COOPERATIVE OF AMERICAN PHYSICIANS, INC. (CAP) RISK MANAGEMENT

## MEDICAL INFORMATION AND RECORD RELEASE

In California, patients have the right to review their medical record and/or obtain a copy. To protect patient confidentiality, no patient information or medical record should be released without written authorization from the patient (if living) or from the patient's legal / personal representative (if patient is deceased or incompetent).

### WHAT DOES THE MEDICAL RECORD INCLUDE?

- The medical record includes the patient's chart (lab reports, progress notes, etc.) as well as items such as x-rays, lab reports, and videotapes. Billing records, if requested, must also be provided.
- As an alternative, the physician may prepare a summary of the medical record, if acceptable to the patient/family. This should be labeled as a summary of the medical record.

### WHAT IS REQUIRED FOR RELEASE OF A MEDICAL RECORD?

- **Written authorization:** A written authorization/form is required for inspection and/or release of a medical record.
  - The language for release should allow release by mail, telephone, and/or facsimile (fax).
  - A **separate**, signed authorization to release must be obtained for **each** request.
  - A valid record authorization must meet specific language requirements to release records to anyone other than the patient. A sample authorization form is attached. To release records to a patient, only the patient's handwritten, signed request is needed.
- **Originals:** Release only copies of the medical record, including x-rays, videos, etc.
- **Copy Costs:** Reasonable clerical fees, plus up to 25¢ per page, may be charged when copying the medical record for the patient. Clerical fees for subpoenas are limited to \$15 if a photocopy service is provided. Please note: It appears that HIPAA may disallow charges for "clerical fees", e.g., retrieving records/processing the request. Copying charges appear to be covered.
- **Time:** Requests to inspect the record must be honored within five working days and copies must be released within 15 days after receiving a written request.
- **Physician notification:** Requests for the medical record may indicate a potential problem. Develop a system to make the physician aware of requests
- **Documentation:** Record in the medical record the date, and to whom, the record was released. If the record is faxed, the fax transmittal form should clearly identify to whom the record is sent by name, office and fax telephone number, address, and include a confidentiality statement.

*Example: "This message is intended only for the use of the individual/entity to which it is addressed and may contain information that is privileged, confidential and exempt from disclosure under applicable law. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution or copying of this communication is strictly prohibited. If you have received this communication in error, please notify us immediately by telephone and return the original message to us at the above address via the U.S. Postal Service. Thank you."*

**SPECIAL CONSIDERATIONS:** Specific laws require **additional** specific authorization to protect the medical record of the diagnosis and/or treatment of the following patient conditions:

***minors, HIV, psychiatric/mental health conditions, and alcohol/substance abuse.***

The above information is not intended to be inclusive. If you have a specific patient situation, please contact CAP Risk Management at 800-252-7706 for further information.