

[Date]

Re: [Name of Client]

Dear [Name of Doctor]:

Dear Sir/Madam

We represent [Name of Client]. We are enclosing a HIPAA-compliant medical authorization allowing us to obtain the CERTIFIED medical records and all records pertaining to her file.

Please provide us with a photocopy of the CERTIFIED complete medical record/chart of the above-named patient and all materials or information including, but not limited to, all medical records, hospital records, physicians' records, surgeons' records, consultation records, operative reports, physical therapy and other therapy records; x-ray, CT scan, MRI, PET scan and reports or other diagnostic studies; laboratory reports; patient information and history questionnaire; physicals and history; discharge summary; progress notes; prescriptions and medication records; nurses' notes; psychotherapy notes, correspondence; consent for treatment; CERTIFIED statements for services rendered; (all billing) or any other materials (whether written or stored, created or maintained in any other form) relating or pertaining to this patient, including documents and records received from or that were created by another provider.

HIPAA permits you, as a "covered entity," to impose reasonable, cost-based fees for providing the requested medical records. The fee may include only the cost of copying (including supplies and labor) and postage, if the patient requests that the copy be mailed.¹ The fee may not include costs associated with searching for and retrieving the requested information.² As part of the Medicare program, the United States Department of Health & Human Services has established a rule for determining cost-based fees for photocopying medical records. Pursuant to that "Photocopy Reimbursement Methodology", Health & Human Services established 7 cents per page as the appropriate rate in 1992.³ In November, 2002, Health & Human Services proposed a rule to increase cost-based fees for photocopying medical records from 7 cents per page to 12 cents per page, to reflect inflationary changes in the labor and supply cost components of the formula.⁴ Although the new rule has not yet been adopted, we believe that it accurately reflects those inflationary changes.

As you are aware, before the effective date of HIPAA, New York State law permitted you to charge a fee of up to 75 cents per page for providing photocopies of medical records.

¹ 45 C.F.R. § 164.524(c)(4).

² See 45 C.F.R. § 164.524.

³ 57 Fed. Reg. 47,779.

⁴ 67 Fed. Reg. 70,358.